MAQUILADORA DETENTION: MEXICAN TREATMENT OF TRADE UNIONISTS

Y 4.G 74/7:M 32/2

Maquiladora Detention: Mexican Trea...

HEARING

BEFORE THE

EMPLOYMENT, HOUSING, AND AVIATION SUBCOMMITTEE

OF THE

COMMITTEE ON GOVERNMENT OPERATIONS HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

FIRST SESSION

SEPTEMBER 29, 1993

Printed for the use of the Committee on Government Operations

JAN 24 1994

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CONTENTS

Page

Hearing held on September 29, 1993 1

Statement of:

Barry, Catherine, Deputy Director, Office of Mexican Affairs, U.S. Department of State 32

Kourpias, George J., international president, International Association of Machinists and Aerospace Workers, accompanied by John Jefferies, chairman, Maryland House of Delegates Black Caucus and IAM Local, Baltimore; Jon Winterhalter, business representative, Local 2848 IAM, Warren, MI; Richard Michalski, legislative and political director; and Mike Louis, St. Louis, MO 9

Peterson, Hon. Collin C., a Representative in Congress from the State of Minnesota, and chairman, Employment, Housing, and Aviation Subcommittee: Opening statement 1

Letters, statements, etc., submitted for the record by:

Kourpias, George J., international president, International Association of Machinists and Aerospace Workers: Letters to President Clinton, Ambassador Montaño, the Secretaries of Commerce, State, and Labor, and the U.S. Trade Representative concerning detention in Mexico 12

Peterson, Hon. Collin C., a Representative in Congress from the State of Minnesota, and chairman, Employment, Housing, and Aviation Subcommittee:

A description of the articles and sections of Mexican immigration law that the Ambassador accused the delegation of violating 6

Documents provided by the Mexican Embassy 38

Letter to the State Department to conduct a full investigation 3

APPENDIX

Material submitted for the hearing record 69

MAQUILADORA DETENTION: MEXICAN TREATMENT OF TRADE UNIONISTS

WEDNESDAY, SEPTEMBER 29, 1993

HOUSE OF REPRESENTATIVES,
EMPLOYMENT, HOUSING, AND AVIATION SUBCOMMITTEE
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC.

The subcommittee met, pursuant to notice, at 10 a.m., in room 2247, Rayburn House Office Building, Hon. Collin C. Peterson (chairman of the subcommittee) presiding.

Present: Representatives Collin C. Peterson, William H. Zeliff, Jr., and John M. McHugh.

Also present: Edith Holleman, staff director; Joy Simonson and Dave Rinebold, professional staff members; Andrea Nelson, counsel; June Saxton, clerk; and Jane O. Cobb, minority professional staff, Committee on Government Operations.

OPENING STATEMENT OF CHAIRMAN PETERSON

Mr. PETERSON. The subcommittee will come to order.

Last Tuesday, a delegation of 38 Canadian and U.S. machinists attending their annual conference at Anaheim, CA, were sent by the union's executive council to tour the Tijuana maquiladora area and report their observations back to the full conference on the following day. Six hours after they left the United States, they were detained in a bus at Mexican immigration headquarters and accused of a variety of acts.

They did not have a permit to visit the—I guess these are the allegations—that they did not have the permit to visit the maquiladora area; they had violated Mexican law by discussing internal working conditions with Mexican workers; they engaged in prohibited political activity; they had committed "irregular" but not illegal acts.

Some members were told that they were subject to 18 months in jail and a fine for their alleged actions. Finally, they were released 3 hours later and told that they could stay in the tourist area of Tijuana or return to the United States. They returned to the United States.

The Mexican Government subsequently accused the group of distributing leaflets opposing a reduction of tariff barriers in Mexico and interfering with Mexican workers by entering a maquiladora plant. The Mexican Embassy has provided the subcommittee with a copy of what it says were leaflets taken from the machinists.

In his letter to Mr. George Kourpias, the international president of the International Association of Machinists and Aerospace Work-

ers, Ambassador Jorge Montaño said it had been, "sufficiently documented that 39 members of your union . . . entered Mexico for the specific purpose of engaging in political proselytism: that is, to promote opposition to NAFTA amongst workers of Plasticos Baja Cal"—I have a tough time with all of these. Are you any better at this Mexican stuff?—"and instigate their dissatisfaction with the company and its union."

Ambassador Montaño also alleged that the machinists had been observed distributing leaflets and that immigration officers had seen them "proselytizing" the workers during their shift break.

Without objection, I will put into the record a copy of the information provided us by the Mexican Embassy, which includes several otherwise identified pages in Spanish, directed to the workers of Plasticos Baja Cal.

The Ambassador included no information about how this material was obtained. Members of the delegation say that they have never seen these printed materials before. Nor did they bring any of these or any other printed materials with them when they entered Mexico.

They never even attempted to enter the maquiladora plant. They also say that they requested to call the U.S. consul in Tijuana and were refused until just a few minutes before they were released.

The subcommittee has requested that the State Department conduct a full investigation of this incident. And I will, without objection, put that letter into the record.

Also without objection, I will put into the record and forward to the State Department, a description from the Chief of the Hispanic Law Division of the Library of Congress, of the articles and sections of Mexican immigration law that the Ambassador accused the delegation of violating.

[The information referred to follows:]

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MAJORITY—(202) 225-5051
MINORITY—(202) 225-5074

September 27, 1993

Secretary Warren Christopher
U.S. Department of State
2201 C St., N.W.
Washington, D.C.

Dear Mr. Secretary:

On September 21, 1993, a group of U.S. and Canadian members of the International Association of Machinists (IAM) were detained for several hours by Mexican immigration officials while on a tour of Tijuana, Mexico. The machinists had been attending the IAM's national convention in Anaheim, California, and the tour had been arranged by the union. Although the IAM members made several requests during their detention to call the U.S. counsel in Tijuana, these were denied.

According to news reports (attached), the unionists were initially accused of committing criminal acts in Mexico by entering a maquiladora factory and distributing leaflets to the workers. However, the IAM members deny both accusations and have stated that they had no printed material with them. They were also accused of "discussing internal working conditions with Mexican workers." They were later released and told to stay in the "tourist" area of Tijuana or return to the U.S. The authorities also noted the names, ages and addresses of each person in the group.

It has been alleged that officials of Plasticos Baja California, a maquiladora near which the unionists' bus was parked, requested the immigration officials to remove the unionists. A Mexican citizen who walked by and began to talk to the IAM members was also detained.

By this letter, I am requesting a full investigation of this incident and a report to the Subcommittee by the State Department. Your resport should include responses to the following questions:

1. Who contacted the Mexican authorities?

2. What was the role of the officials of Plasticos Baja California? When were officials of the parent company, Carlisle Plastics, of Boston, aware of its subsidiary's actions? What role did Carlisle Plastics play in the incident?

3. When and how did the U.S. counsel in Tijuana become aware of the detention of U.S. citizens by Mexican immigration officials?

4. What evidence of illegal leafletting by U.S. citizens was provided to the U.S. counsel? What actions did the U.S. counsel take?

5. When and how did the U.S. embassy in Mexico City become aware of this incident?

6. What evidence of illegal leafletting by U.S. citizens was provided to the U.S. embassy? What actions did the U.S. embassy take?

7. When and how did the State Department in Washington become aware of this incident?

8. What evidence of illegal leafletting by U.S. citizens was provided to the State Department? What actions did the State Department take?

9. Are there laws in Mexico which forbid foreigners from discussing "internal working conditions" with Mexican workers?

10. Did the State Department issue a formal or other protest to the Mexican government?

The Subcommittee has scheduled a hearing on Wednesday, September 29, to take sworn testimony regarding this incident. I would like to request that a representative of the State Department provide testimony at that hearing concerning the Department's knowledge of and actions concerning this occurrence and its general understanding of Mexican law governing the action of foreigners in the country. It is expected that members of the IAM delegation will testify, and the chief executive officer of Carlisle Plastics, owner of Plasticos Bajacal has also been invited to testify.

The hearing will be held at 10 a.m. in Rm. 2247 of the Rayburn Housing Office Building. Because of the very short notice, we are not requiring formal written testimony from the Department, but would expect the witness to be available to answer questions.

I am also requesting that, prior to the hearing, the Department provide a briefing for the Subcommittee staff regarding the Tijuana detention and supply copies of any State Department communications, memoranda or other documents regarding this incident that were generated either in Tijuana, Mexico City or the Washington office of the Department.

Please have your staff contact Edith Holleman, Subcommittee staff director, or Joy Simonson, at (202) 225-6751 to arrange for this briefing and to discuss any questions you may have.

Your cooperation in this matter is appreciated.

Sincerely,

COLLIN C. PETERSON
Chairman
Subcommittee on Employment, Housing
and Aviation

THE LIBRARY OF CONGRESS
WASHINGTON, D.C. 20540-3090

LAW LIBRARY
HISPANIC LAW DIVISION

September 28, 1993

TO: House Government Operations Committee
Attention: Ms. Edith Holleman

FROM: Rubens Medina, Chief
Hispanic Law Division

SUBJECT: Specific Provisions from the Mexican Law on Population.

It is important to distinguish at the outset that the Law on Population should not be considered to be an integral part of the Mexican Criminal Code.

The statute of your concern was originally enacted in 1974 (*Diario Oficial* (D.O.) of Jan. 7, 1974). The main purpose of this Law is to govern issues related to the population as regards volume, structure, dynamism, and distribution within the national territory. Control of immigration is included (*id.* Arts. 1 & 3).

As specifically discussed during our telephone conversation of today, the content of the articles in question may be paraphrased as follows:

- Article 42 governs the various kinds of permits that the Secretary of Government may issue to non-immigrant aliens who wish to enter Mexico. These include tourist, transient, visitor, counsel, political asylee, refugee, student, distinguished visitor, local visitor, and provisional visitor.

The provision outlines the activities the individuals covered by permits in each category are allowed to perform. The text is detailed. Its section X governs the category of provisional visitor. It provides that the Secretary of Government may authorize, as an exception, the temporary entry of foreigners arriving at Mexican international ports and airports whose documentation lacks some "secondary requirement(s)" visits for up to thirty days. In such cases, the affected foreigner must post bonds to guarantee his/her return to the country of origin or nationality if the individual fails to produce or provide the required missing element.

- Article 43 states that the admission of an alien into the country under the terms of the preceding categories obligates them to the strict compliance of the terms and conditions stated in the entry permit as well as in any other related legal sources.

- Article 120 states that any violation to the provisions in this statute or its regulation concerning immigration, with the exceptions provided or when such a violation constitutes a criminal offense according to applicable laws, shall be subject to administrative penalties of a fine of up to $10,000 (pesos) in accordance to the seriousness of the violation committed, as adjudicated by the Secretary of the Government, or subject to arrest for up to fifteen days if the offender does not pay the fine.

We hope this information meets your needs. If you have further questions, please do not hesitate to give us a call.

Mr. PETERSON. Section 10, which is specifically noted by the Ambassador in his letter to Mr. Kourpias, refers to an arrangement by which a foreigner without proper documentation can post a bond and enter the country as a provisional visitor. This does not appear to have any relationship to the allegations made against the machinists.

We at the subcommittee are very concerned that in this time of instant global communication and increasing trade, workers from one country may not be allowed to see how workers live in other countries. It is going to be extremely difficult for citizens and nongovernmental groups in the United States and Mexico to enforce the labor side agreements, such as they are, that have been proposed under the North American Free Trade Agreement, if they cannot even talk to each other without the fear of criminal prosecution. So we are glad to have folks here today that were involved in this to explain the situation.

The ranking member, Mr. Zeliff, do you have an opening statement?

Mr. ZELIFF. A short one, Mr. Chairman.

We have been called together today to hear testimony regarding the treatment of United States and Canadian union members by Mexican and immigration officials. Obviously, I share the concerns of the chairman and other members of the subcommittee over the allegations of mistreatment of U.S. citizens by foreign governments.

I am also looking forward to hearing the testimony of our witnesses today. Clearly, this issue deserves to be looked into, and if the allegations have merit, I would hope that our State Department would take the matter up with the Mexican Government and take appropriate action.

With that said, Mr. Chairman, we also need to keep this incident in the proper context. I think I can say that literally thousands of Americans visit Mexico every day without incident or mishap. I hope we don't take an isolated occurrence and turn it into a broader argument against the passage of the North American Free Trade Agreement.

I am supportive of NAFTA, Mr. Chairman, because I believe, as does the President, that expanded trade with Mexico will leverage jobs and economic growth for the United States. We obviously disagree on the philosophy of NAFTA, Mr. Chairman, but reasonable people can disagree.

I can assure you that while I will do my best to convince you and my colleagues on this subcommittee that NAFTA is good for this country, I will by the same token want you to know that I will listen to your point of view as well. In the end, we may still disagree, but we will have had the opportunity to explore the important issues together and with an open mind.

Today I look forward to the testimony of the witnesses and to have a chance to thoroughly evaluate this process.

Mr. PETERSON. Thank you, Mr. Zeliff.

And if any other subcommittee members have opening statements, they will, without objection, be made a part of the record as well.

Our witnesses today are George Kourpias, the international president of the IAM.

Welcome to the committee.

John Jefferies, IAM official from Baltimore, a member of the Maryland House of Delegates and chairman of its Black Caucus; and Jon Winterhalter, union official from Warren, MI. And we also have Catherine Barry, as I understand it, the Deputy Director from the State Department's Office of Mexican Affairs.

Thank you all for coming and being with us today.

It is the custom in the Government Operations Committee hearings, which are investigative hearings, to swear in all witnesses so that we do not discriminate against any of them.

Do any of you have any objection to being sworn in?

If not, would you rise.

[Witnesses sworn.]

Mr. PETERSON. Mr. Kourpias, will you begin?

Your written testimony will be placed in the record in its entirety, so you can give us the whole deal or summarize, whatever you want. And, hopefully, we will have time for questions.

STATEMENT OF GEORGE J. KOURPIAS, PRESIDENT, INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, ACCOMPANIED BY JOHN JEFFERIES, CHAIRMAN, MARYLAND HOUSE OF DELEGATES BLACK CAUCUS AND IAM LOCAL, BALTIMORE; JON WINTERHALTER, BUSINESS REPRESENTATIVE, LOCAL 2848 IAM, WARREN, MI; RICHARD MICHALSKI, LEGISLATIVE AND POLITICAL DIRECTOR; AND MIKE LOUIS, ST. LOUIS, MO

Mr. KOURPIAS. Thank you, Mr. Chairman and members of the subcommittee. My name is George Kourpias and I am president of the International Association of Machinists and Aerospace Workers, which has members in all parts of the United States and Canada.

My purpose in appearing before this subcommittee on their behalf is to urge the Congress of the United States to reject the North American Free Trade Agreement and to outline to you a most compelling reason for doing so. I and members of my union certainly appreciate this opportunity.

I have with me today two members of my union, John Jefferies, a member of the House of Delegates for the State of Maryland; and Jon Winterhalter, from Warren, MI. And also with me is Richard Michalski, the legislative and political director; and Mike Louis, who is from St. Louis, MO, and was on this trip that we will describe today.

The two gentlemen with me at table, along with 36 other IAM members, were victims of the most basic human rights violations at the hands of the Mexican Government, working in collusion with operators of a maquiladora plant in Tijuana, Mexico. The international incident occurred on Tuesday, September 21, when they visited Mexico as a part of a study group comprised of IAM members.

To me, this official international misconduct by the Mexican Government alone is reason enough to defeat the NAFTA scheme.

I would like to give you an overview of the incident and then let Delegate Jefferies and Mr. Winterhalter describe in their own words the environmental, labor, and other human rights violations they witnessed while on a factfinding tour of the maquiladora regions of Tijuana, Mexico.

They also will give the subcommittee their reactions and describe their feelings when they were detained by Mexican Federal immigration officials in Tijuana for more than 3 hours.

The two IAM members who are with me were part of a group of IAM staff and rank and file members who were selected to visit Mexico while they were attending our union's 1993 industrial conference in Anaheim, CA. The study group, which included three women, was put together to report back to their fellow conference delegates who were preparing to discuss the ramifications of NAFTA at the conference.

Earlier this year, Mr. Chairman, I and other members of the IAM executive council had occasion to visit the maquilas area in Tijuana and were shocked at what we saw. We viewed the treatment of the Mexican workers in the maquiladora sections along the United States-Mexico border as a preview of what will happen throughout Mexico if the NAFTA Treaty is approved by this Congress.

We saw employees of U.S.-owned multinationals living in abject poverty and shacks. We saw what appeared from the outside to be high tech, state-of-the-art maquiladora plants, polluting air and water. The water that the maquila employees were forced to use to drink, cook with, and bathe in.

We saw the sores on the young bodies of Mexican children, caused by the toxic wastes in the water these men and women were forced to use. We learned about Mexican teenagers who worked for less than $7 a day at these modern day, high-tech sweatshops.

I would like to point out the picture that we have over here to my right, of the truck—this is a truck that goes through the different communities in the maquiladora area—and what it says; it is seeking personnel, young women, 16 to 30 years old; it says that employment applications are available here with magnificent wages.

I also would like to state that it says 16 to 30, but in visiting with community leaders, when I was there, if parents sign away the rights of youngsters, 13 and 14 years old, sign away their worker compensation rights, they will be employed at these plants. We talked with people who had lived in the region before the maquilas had come and who assured us that they were much better off then.

We smelled the toxic stench as we walked over dusty and unpaved streets. We talked with a woman who has lost her job at a U.S.-owned maquila plant because she had to leave work when she began hemorrhaging, she later suffered a miscarriage, thus losing both her job and her expected child.

So our executive council set up the September 21 factfinding trip to enable some of our rank and file members to see these horrors themselves. To talk with Mexican community leaders and workers and report back, both to their fellow trade unionists, and later to Members of Congress and to the public.

So the union chartered a bus, obtained the services of a Spanish-speaking interpreter and dispatched the 38 unionists to Tijuana.

While seated on a bus outside of a plant called "Plasticos, Baja Cal," in Tijuana, our union members were approached by Mexican authorities who identified themselves as Federal immigration officials.

They subsequently boarded the bus and required everyone to produce identification and to write their names, ages, and addresses on pads of paper. Then the authorities ordered the bus driver to follow them to an isolated area near the border where they detained the IAM group for more than 3 hours.

During this time, a member of my staff made repeated attempts to learn why they were being held, without avail. Six separate requests to make a telephone call were also refused. Two of the officials refused to give the name of the immigration official in charge. But, at one point, they did reveal that the authorities—the authorities were acting on the orders of the managers of the maquiladora plant.

After 3 hours of detention aboard or just outside that bus, the union group was told a variety of changing reasons as to why they were being detained and isolated. At first, they were told that they were violating Mexican law. The violation was because they did not tell border officials upon entering the country that they were going to visit the maquiladora area of the city of Tijuana.

The fact of the matter is that the bus driver had stopped at the border and obtained the necessary Mexican permit to enter the country. At no time did anyone from the Mexican Government inquire about our members' destination while in Tijuana or the purpose of the visit.

Next our delegation was told that the violation was—and I quote what the immigration official said, "discussing internal working conditions with the Mexican workers."

Still later, they were told that what they were accused of was not illegal, but, "irregular."

We also learned that the Tijuana border officials did not act on their own. The interpreter overheard the local officials say they cleared their human rights violations with top Federal executives in Mexico City. Now I question why the 3-hour detention?

I am sure that the other two witnesses can describe their fears and misgivings during this detention. Needless to say, I registered a strong, sharp protest with Ambassador Montaño, the Mexican Ambassador to the United States. And informed President Clinton and the Secretaries of State, Commerce, and Labor of this international outrage the very next day.

[The letters follow:]

International
Association of
Machinists and
Aerospace Workers

9000 Machinists Place
Upper Marlboro, Maryland 20772-2687

Area Code 301
967-4500

OFFICE OF THE INTERNATIONAL PRESIDENT

September 22, 1993

The President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

I am writing to you to bring to your attention the treatment received by citizens of the United States who are members of my union from officials of the Salinas government during a visit to Tijuana, Mexico, on Tuesday, September 21. I respectfully request that you register a protest with the government of Mexico over this official mistreatment.

These 38 men and women also included three Canadian citizens. You might be interested in knowing, too, that the delegation included John Jefferies, a Democratic member of the Maryland General Assembly who serves as chair of the General Assembly's Black Caucus.

While seated on a bus in the maquiladora area of the city, they were approached by Mexican authorities who identified themselves as Mexican federal immigration officials.

They boarded the bus and required everyone to produce identification and to write their names, addresses and ages on pads of paper.

Then they ordered the bus driver to follow them to an isolated area near the border where they detained the group for more than three hours.

For most of the time, the visitors were forbidden to get off the bus.

Repeated attempts to learn why they were being held were rebuffed. Six separate requests to make a telephone call were also refused. Two of the officials refused to give the group the name of the official in charge, but at one point did reveal that they were acting on orders from managers of the maquiladora plants.

After three hours of detention aboard or just outside of the bus, the group was told a variety of changing reasons as to why they were being detained and isolated.

At first, they were told that they were violating Mexican law because they did not tell border officials that they were going to visit maquiladora areas of the city of Tijuana. The fact of the matter is that the bus driver had obtained the necessary permit to enter the country, and nothing was said at that time about where the visitors intended to stop on their tour.

Next they were told that the violation was "discussing internal working conditions with Mexican workers." Still later they were told that what they were accused of was not illegal, but "irregular."

The delegates learned that the Tijuana border officials did not act on their own, but had cleared their harassment with government officials in Mexico City.

Mr. President, we believe this extra legal harassment by Mexican federal government officials against citizens of Canada and the United States confirms our worst fears about the North American Free Trade Agreement (NAFTA).

This flagrant attempt by Mexican officials to harass visitors who clearly were not in violation of any laws, is an outrageous act against common decency. It is equally clear that these modern day international robber barons who operate the maquila plants in Mexico are frightened of what visitors will see.

I wonder how the Mexican government can give assurances that environmental and labor standards will be enforced, when it so clearly demonstrates that basic laws covering human rights can be bent, broken or circumvented at the whim of the owners of foreign multinationals.

Obviously, I believe the Mexican government owes the 37 members of my union and one spouse an apology. But more important, I believe that the President and the Congress of the United States should consider now how they intend to enforce the side agreements to the NAFTA treaty, or even how Mexico's labor laws will be enforced when that country's government regularly demonstrates that is it controlled by foreign owners of multinational corporations.

Incidentally, my members were able to document several violations of Mexican labor law during the short time they were allowed to move freely about what many of them now consider a police state. Several Mexican citizens reported that enforcement of such laws is literally non-existent now, and they see little hope for change.

Page Three

I am most respectfully requesting that you assist us in getting an apology from the Mexican government and hearing any explanation that the Salinas government might be able to make for this regrettable international incident. With appreciation for your consideration in this matter, I remain

Sincerely,

George J. Kourpias

George J. Kourpias
INTERNATIONAL PRESIDENT

GJK/spm

International
Association of
Machinists and
Aerospace Workers

9000 Machinists Place
Upper Marlboro, Maryland 20772-2687

Area Code 301
967-4500

OFFICE OF THE INTERNATIONAL PRESIDENT

September 22, 1993

His Excellency Jorge Montano
Ambassador of Mexico
1911 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

Dear Mr. Ambassador:

I am writing to you to protest the treatment received by members of my union from Mexican federal immigration officials during a visit to your country on Tuesday, September 21.

These 38 men and women are citizens either of the United States or of Canada, and were touring Tijuana on behalf of the International Association of Machinists and Aerospace Workers.

While seated on a bus in the maquiladora area of the city, they were approached by Mexican authorities who identified themselves as Mexican federal immigration officials.

They boarded the bus and required everyone to produce identification and to write their names, addresses and ages on pads of paper.

Then they ordered the bus driver to follow them to an isolated area near the border where they detained the group for more than three hours.

For most of the time, the visitors were forbidden to get off the bus.

Repeated attempts to learn why they were being held were rebuffed. Six separate requests to make a telephone call were also refused. Two of the officials refused to give the group the name of the official in charge, but at one point did reveal that they were acting on orders from managers of the maquiladora plants.

After three hours of detention aboard or just outside of the bus, the group was told a variety of changing reasons as to why they were being detained and isolated.

At first, they were told that they were violating Mexican law because they did not tell border officials that they were going to visit maquiladora areas of the city of Tijuana. The fact of the matter is that the bus driver had obtained the necessary permit to enter the country, and nothing was said at that time about where the visitors intended to stop on their tour.

Next they were told that the violation was "discussing internal working conditions with Mexican workers." Still later they were told that what they were accused of was not illegal, but "irregular."

You might be interested in knowing that we learned that the Tijuana border officials did not act on their own, but had cleared their harassment with officials of your government in Mexico City.

Mr. Ambassador, we believe this extra legal harassment by federal government officials against citizens of Canada and the United States confirms our worst fears about the North American Free Trade Agreement (NAFTA).

This flagrant attempt by Mexican officials to harass visitors who clearly were not in violation of any laws, is an outrageous act against common decency. It is equally clear that these modern day international robber barons who operate the maquila plants in your nation are frightened of what visitors will see.

I wonder how your government can give assurances that environmental and labor standards will be enforced, when you so clearly demonstrate that basic laws covering human rights can be bent, broken or circumvented at the whim of the owners of foreign multinationals.

Obviously, I believe your government owes the 37 members of my union and one spouse an apology. But more important, I believe you owe the President and the Congress of the United States an explanation as to how you intend to enforce the side agreements to the NAFTA treaty, or even your own labor laws when your government demonstrates that is it controlled by foreign owners of multinational corporations.

Incidentally, my members were able to document several violations of Mexican labor law during the short time they were allowed to move freely about what many of them now consider a police state. Several of your citizens reported that enforcement of such laws is literally non-existent now and they see little hope for change.

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I am most anxious to hear both your apology and any explanation that you might be able to make for this regrettable international incident.

Sincerely,

George J. Kourpias

George J. Kourpias
INTERNATIONAL PRESIDENT

GJK/spm

GEORGE J. KOURPIAS
Office of the President

September 22, 1993

The Honorable Ronald H. Brown
Office of the Secretary
The United States Department of Commerce
14th and Constitution Avenue, N.W.
Washington, D.C. 20230

Dear Mr. Secretary:

I believe the enclosed letter to President Clinton is self-explanatory. I will only add that all of the members of my union are deeply offended by the action of the Salinas government against their colleagues, and are more committed than ever to seeing the North American Free Trade Agreement (NAFTA) defeated.

The delegates from all parts of the United States who visited Tijuana and were mistreated by the Mexican government also reported their experience with immigration officials and what they saw and heard about environmental and labor law violations to their respective U.S. Representatives and Senators. In addition, they shared their experiences with the other delegates who are in attendance this week at the IAM Industrial Conference in Anaheim, California.

Those IAM members who had the opportunity to see first hand how multinational corporations operate in Mexico also agreed to contact news media outlets in their home towns about both the appalling conditions they witnessed and about their mistreatment.

Page Two

I am writing to you on their behalf, with the request that you use your good offices to appeal to President Clinton to take appropriate action on this most serious breech of international conduct. I also would appreciate a reply outlining what action you took, so that I can report it to the members of the IAM and their families. With appreciation for your interest in this matter of vital concern to the membership of the IAM, I remain

Sincerely,

George J. Kourpias

George J. Kourpias
INTERNATIONAL PRESIDENT

GJK/spm
Enclosure

GEORGE J. KOURPIAS
Office of the President

September 22, 1993

The Honorable Warren M. Christopher
Secretary of State
The United States Department of State
2201 C. Street, N.W.
Washington, D.C. 20520

Dear Mr. Secretary:

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INTERNATIONAL PRESIDENT

GJK/spm
Enclosure

GEORGE J. KOURPIAS
Office of the President

September 22, 1993

The Honorable Michael Kantor
The United States Trade Representative
600 17th Street, N.W.
Washington, D.C. 20506

Dear Mr. Ambassador:

I believe the enclosed letter to President Clinton is self-explanatory. I will only add that all of the members of my union are deeply offended by the action of the Salinas government against their colleagues, and are more committed than ever to seeing the North American Free Trade Agreement (NAFTA) defeated.

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George J. Kourpias
INTERNATIONAL PRESIDENT

GJK/spm
Enclosure

GEORGE J. KOURPIAS
Office of the President

September 22, 1993

The Honorable Robert B. Reich
Office of the Secretary
The United States Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Dear Mr. Secretary:

I believe the enclosed letter to President Clinton is self-explanatory. I will only add that all of the members of my union are deeply offended by the action of the Salinas government against their colleagues, and are more committed than ever to seeing the North American Free Trade Agreement (NAFTA) defeated.

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Enclosure

International
Association of
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9000 Machinists Place
Upper Marlboro, Maryland 20772-2687

Area Code 301
967-4500

OFFICE OF THE INTERNATIONAL PRESIDENT

September 28, 1993

His Excellency Jorge Montano
Ambassador of Mexico
1911 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

Dear Mr. Ambassador:

This will acknowledge receipt of your letter dated September 23, 1993, in which you attempted to answer my protest regarding the treatment of 38 members of the International Association of Machinists and Aerospace Workers (IAM) at the hands of officials of the Mexican federal government on September 21.

Mr. Ambassador, I can only say that you were badly misinformed as to what actually happened to our members, who are citizens of the United States and Canada.

I will not make an issue of the number of IAM members involved, although I will restate that the number was 38, not the 39 you, for whatever questionably pertinent reason, contend.

Nor did they enter Mexico for the purpose of proselytizing or propagandizing, but rather to witness first hand the way corporations owned by foreign nationals treat their Mexican workers.

The charge that we were distributing pamphlets is ridiculous. None of the members of my union had ever heard of Plasticos Baja Cal before coming to Tijuana. Aside from the fact that none of them had the language skills to compose such handbills in Spanish, none of my members knew anything about the history of the company's labor relations. Therefore, they could not compose the material you now -- after the fact -- allege they wrote.

They did not even speak to any Plasticos employees during the shift break, let alone handbill or propagandize them.

While I am not familiar with the Mexican Migratory Act, I do know that our members did not engage in any illegal political activity.

They did visit with Mexican citizen/workers and discuss their abominable working conditions and did see with their own eyes the squalor and abject poverty in which your citizens live. They also witnessed the lack of enforcement of both labor and environmental laws, which your citizens complained about in their discussions. If engaging in open dialogue with Mexican citizens is a violation of Mexican law, then I must really question whether your country is the democracy that it attempts to tell the world that it is.

Finally, I must dispute your statement that my union members were allowed to descend from the bus whenever they wished. Furthermore, the IAM members never were inside of the Immigration Office, so they could not and did not have access to phones in that building as you stated.

In fact, after six requests to make a phone call over a three-hour period, my special assistant, Mr. Patrick J. Ziska, finally was told he could make a call by walking a long distance to a public telephone. Meanwhile, the other union members were required to remain either inside or just outside of the bus until he returned.

Please be assured that the IAM, its officers and members, share your hope for a mature relationship between our two countries. At the same time, we believe that your nation should begin to enforce your own labor and environmental laws, so that Mexican workers can begin to live in dignity and share in the prosperity being enjoyed by the multinational corporations who are operating in Mexico. Until that first step is taken, we believe it is specious to enter into any so-called free trade agreement with the United States, Canada, or any other nation.

Sincerely,

George J. Kourpias

George J. Kourpias
INTERNATIONAL PRESIDENT

GJK/spm

Mr. KOURPIAS. Ambassador Montaño now contends that we were in violation of a law because we were passing out leaflets or handbills in Spanish to employees of Plasticos during a change in the work shifts. This is a false charge.

He also now contends that we were talking with Plasticos employees about NAFTA. Enough said about freedom of speech.

These are outrageous lies. First of all, none of the 38 unionists, including members of my Washington, DC, staff, had ever heard of Plasticos Baja Cal, before entering Mexico that day. We understand now that the plant is owned by an American company, the Carlisle Corp., which has other plants in Pennsylvania and in North Carolina.

Second, we were not equipped either with the necessary language skills or the background about the company and its employee relations problems to write the Spanish handbills that the Mexican Government is now—after the fact—accusing our members of handing out.

Nor did we speak with any of the Plasticos employees about NAFTA or about anything else. The Ambassador, in his public declarations and in his reply to me, also made many other misstatements, not the least of these were the Ambassador's contention our members were not confined to the bus. And the fact that they were allowed to make phone calls from the immigration office.

No IAM member saw the inside or the outside of any immigration office. When my special assistant finally obtained permission after more than 3 hours to make a call, he had to walk several hundred yards to a public phone. While the remaining IAM members were required to stay on the bus.

Well, the committee has been given copies of all the letters that I have sent to our government and to the Ambassador to Mexico. I have had no response yet, excepting from the Ambassador to Mexico and this morning from Catherine Barry from the State Department. She informed me about 10 minutes before I left to come here that the—our consul in Tijuana was investigating this, that they did it on the press reports evidently, that they have heard of this incident in Mexico. And the story that they give at this time, or their report, is about the same that can you find in the letter given to us, sent to us by the Ambassador to the United States from Mexico.

I will turn over to her today, to the State Department and to this subcommittee, the names and addresses of all of our people, and phone numbers, so that they can be contacted. I believe that the intimidation of foreign visitors seeking to learn about the exploitation of Mexican workers is more than a violation of human rights, it is, in and of itself, a compelling reason to defeat the proposed NAFTA Treaty as now written.

It is no wonder that the Bush administration wanted the treaty negotiated in haste and in secrecy. The members of my union who saw firsthand how Mexico and the foreign multinational corporations already treat their citizen workers, are now our most vocal critics of any NAFTA Treaty.

After seeing how Mexican workers are treated, after receiving mistreatment themselves, they will never be convinced that

NAFTA is worthy of anything but defeat. And because they were told by so many Mexican workers that existing Mexican labor laws are not enforced, they also believe that the two side agreements are meaningless. Both the environmental agreement and the labor protection agreement. These agreements are meaningless because they will be ignored and unenforced in the same way that the Mexican labor and human rights laws are ignored.

Mr. Chairman, on behalf of my own members and on behalf of the Mexican workers with whom we spoke, I ask that the Congress defeat NAFTA. I ask you to consider how this Congress or this President can expect Mexico to enforce a treaty, or its side agreements, when it clearly and regularly demonstrates that it is controlled already by foreign owners of multinational corporations who will have no regard, no regard for human rights, labor rights, or environmental rights.

On behalf of my members, please accept my deepest appreciation for allowing us to appear before you. And I will be happy and try to answer any questions.

Thank you.

Mr. PETERSON. Thank you very much for being here and for your statement. We appreciate it.

And we will next hear from Mr. Jefferies.

It is our understanding that you had a front-row seat in this incident and we would like to hear you describe to us exactly what happened.

Mr. JEFFERIES. My name is John Jefferies, a member of IAM and a member of the Maryland General Assembly. I was on that bus and when we pulled up in the maquiladora valley in front of the Plasticos factory, right across the street from it, we were waiting for two Mexican workers who were supposed to meet us there. Of course, they were late getting there, and we descended from the bus and walked up and down the pavement on the other side of the street.

There was no factory where the bus was parked. It was a vacant lot with an uphill slope. Just a vacant lot. So we mulled around there and finally a worker appeared and of course we were talking to him outside the bus. The interpreter then asked would he like to come on the bus and talk to the rest of the members who had not gotten off the bus. He came on the bus. And he was complaining about the conditions under which he had worked.

Soon after that, the police arrived; who I later learned to be police. They jumped on the bus, pulled up in a van, station wagon, and jumped on the bus and grabbed the Mexican worker and took him off of the bus and was outside talking to him. Soon after that, it was a Mexican police official, who had his arm in a sling, who threatened the worker outside the bus by poking his finger in his face and his chest and then in his back, pushed him up the street and took him away.

And when he took him away, we have never seen him since. They advised the bus driver to put everybody on the bus and to turn around. They blocked off the street and the bus turned around in the middle of the street and of course followed them to an area in an alley, it was an alley that they pulled the bus up in. And it was barricaded at the other end by buildings and other vehicles.

There was only one way out of the alley and that was where we came in. And, of course, the Federal police were there in the back of the bus.

We then asked for food because we hadn't eaten, it was around 3, 3:30 p.m. at that time. Of course, we were denied food, even though there was a little sandwich place up the corner from where we were in the alley.

Finally, after me insisting, they allowed me to go get a sandwich, and when others tried to accompany me, they told them no, he goes by himself. And meantime, we were continually asking why we were being detained and we got all kinds of answers and evasions from the INS people. And, of course, subsequent to that, they told us all to get back on the bus; they backed the bus out of the alley and carried us up into an area that was a wire fence with barbed wire over the top, and the bus pulled up on the lot and we were retained there.

Meantime, a lot of the people were still asking to talk to the American consul, and also, could they make phone calls. And, of course, we were denied.

Subsequent to that, a distinguished gentleman came out of a building and wearing a shirt and tie, and he said we had violated the Mexican law, and that we could be subject up to 18 months in jail.

We asked: What we did we do? And he said: Talking to Mexican workers without a permit. And we said: We didn't know that we needed a permit.

And he said: You needed a permit to enter Mexico. And we said: The bus driver stopped at the border to get a permit. And they said: You need a permit to talk to the workers, you are involved in a political thing. We didn't know what he was talking about.

And he told us that we had two choices; either remain in Mexico as a tourist or get on the bus and return to the United States. And, of course, then we made the decision that the bus—it was late in the evening anyhow, so we returned to the United States.

One other thing, I had a camera and I was taking pictures, and they said no pictures. And I told them thank you, I won't take any more pictures, and that was it.

The worker that was taken away, as he was being taken away, I could see terror in his eyes, that he felt as though he was going to face something of harm to him.

We later found out that most of the time when that happens, that these workers are fired or other things happen to them. I can't say that anything happened to him, except what I told you, that they did threaten him by poking their fingers in his chest and in his back.

Mr. PETERSON. Thank you very much for relating that to us. And we will have some questions when we get done with the panel here. We appreciate it.

Mr. Winterhalter, I understand what happened with the Mexican immigration official was just at the end of an entire day of factfinding that was going on by the machinists. So if you could tell us what you were doing the rest of the day, and what you saw, heard, and observed.

Mr. WINTERHALTER. Certainly.

Before I start, I would like to say——

Mr. PETERSON. You want to pull the mike over.

Mr. WINTERHALTER. Before I start, I would like to say that I live in—lived in Michigan all my life, either in the Detroit area or the northern suburbs, that everyone knows is adjacent to Windsor, Canada, Ontario.

I have gone to Canada hundreds of times by car, bus, plane, and train. I have never been detained. I have been able to talk to who I want to talk to and go where I want. I have had many happy times in Canada.

This is my first trip to Mexico. I was in Anaheim attending an economic conversion meeting and the annual industrial conference of the IAM. I volunteered last Monday to go to Mexico for the day with a group of other IAM members, to observe and study the effects that NAFTA would have on our membership.

We stopped at the border and got our permit after passing through the border and the downtown area of Tijuana, our first stop was along the airport where we observed the construction of the first of four aircraft maintenance and repair facilities.

Each of which will be able to house two 747's. The aircraft will be flown to Mexico from the United States for scheduled maintenance and repair. Low skill are not the only jobs that will go to Mexico.

Our next destination was to an area of older maquiladora plants that had done assembling of electronic parts for years. The names on the buildings are brand names that we see in our stores everyday, Sony televisions, Panasonic televisions, Maxell, Hitachi, and several others.

We drove slowly down the side streets and I observed the plants similar to those back home, with the exception that there were no parking lots for the workers, as few can afford to purchase an automobile. In the streets were small stands that sold food to the workers.

The workers that I observed there and in the fenced-in factory area looked like high-school age children. I don't believe that anyone in the predominantly female work force there was over 22 or 23.

We continued down the paved road by the plants until it turned into a dirt road that went down the hill to a small community. We drove about halfway down the hill when we all left the bus to observe a drain that came from the factories above.

The waste flows down the hill, through ditches created on its own, through a kindergarten playground to a stream that is a tributary of the Tijuana River that dumps into the Pacific Ocean.

We continued walking toward the stream to a road that was within 30 to 40 feet of the water. Along this road, one-room shacks had been built using discarded material from the plants, pallets, odd pieces of plywood, and scraps of various other materials.

The roofs were of corrugated metal or plastic sheeting, with tires thrown on top to keep them from blowing away. There was no electric or running water. The road was lined with old solvent barrels that were used to store drinking and washing water from a truck that came around once a week where they could purchase water at $1.65 a barrel.

A woman who was washing clothes agreed to talk to us. She said that her family had moved there from Veracruz about 2 years ago. Her husband worked road construction and earned about $7 a day when he could find work. She said they had moved there because the maquiladora was advertised throughout Mexico as the golden area or land of opportunity. If this is true, I wonder what the United States must look like to these people.

While she was talking to us, swarms of flies circled her head and she kept swatting at them. Finally, she set a half-eaten apple a few feet away to distract them. We asked about the stream that flowed next to her home, and she said that it changes color at times from green to brown to black and back again. She said she won't allow her children near the water because they have broken out in rashes and sores, but when it is hot, it is hard to keep the children out. If they do go in, she will bathe them with clean water from the water barrel after they get out.

The sights and smells are unforgettable. We left that area and went to another larger community, that I found out later housed 2,500 families, the same type of home construction here. Small, one-room shacks.

We met with several people at their community center, mostly young women with small children. They had banded together to get basic services from the government. There were some electrical poles that a few had tapped into and I saw a few places had bottled gas for cooking.

When they approach government, they are usually patronized or completely ignored. They were proud to have built their own school and with donations of books, and other supplies from the World Catholic Charities; education began for a fortunate few.

The children are taught by community volunteers who are too old to work, and that means over 30 in Mexico, had been injured on the job or had been accused of union or action group involvement and have been blackballed from the plants.

We asked these people what they thought about NAFTA, and they replied that it would only benefit a few in government. Corruption is expected in Mexico.

And our last stop was at the plastics plant and that is where we were picked up by immigration.

Mr. PETERSON. You were on the bus, too, then?

Mr. WINTERHALTER. Yes, I was, full time.

Mr. PETERSON. And you corroborate what Mr. Jefferies said?

Mr. WINTERHALTER. Yes.

Mr. PETERSON. Thank you very much for being with us.

Mr. WINTERHALTER. Thanks for the opportunity.

Mr. PETERSON. And Ms. Barry, I want to thank you for coming on such short notice. We didn't request a formal statement from the State Department because of the short timeframe. And so if you have any remarks that you would like to make, we would be happy to hear them.

STATEMENT OF CATHERINE BARRY, DEPUTY DIRECTOR, OFFICE OF MEXICAN AFFAIRS, U.S. DEPARTMENT OF STATE

Ms. BARRY. Thank you.

Thank you very much Mr. Chairman. I have a brief opening remark, if I may?

The Department of State became aware of this incident involving a group of 38 members of the International Association of Machinists and Aerospace Workers on September 23, when we received a letter from Senator Riegle and Congressman Bonior asking that we investigate the case.

We are doing so.

On the same day, the U.S. consulate general in Tijuana noticed reports about the incident in the Mexican press. The information that I have for you today is preliminary, is incomplete, and has been obtained by the Department and the U.S. consulate general in Tijuana. The U.S. Embassy in Mexico City is also working on the case.

When I picked up the file from my colleagues late yesterday afternoon to review it, I noticed that the consulate in Tijuana had not been able to identify or speak to anyone in the IAM, and so I sought to try and contact Mr. Kourpias, who was the only one identified in the documents we had.

I did not reach him yesterday afternoon, and I must admit I was calling fairly late, and so I did speak with him early this morning. I assured him that the Department was concerned about the incident and that we were pursuing a full investigation. He agreed to provide us a list of the Americans who were involved in the incident.

I gave him briefly the results of what the American consulate in Tijuana has done so far.

We—the Department intends to speak with each member of the union who was involved in the incident and will otherwise continue our conversations with appropriate individuals in Mexico.

Mr. PETERSON. Thank you for that statement. And we appreciate your being with us.

Before I get to the other gentlemen here, is it your understanding that visitors to Mexico are prohibited from entering maquiladora areas or talking to workers? Is that a—is that the procedure or the law? Do you know?

Ms. BARRY. I am not aware of any Mexican law that prohibits individuals from those parts of a maquila area which are open and generally accessible to the public. And certainly Americans have visited the border area in large numbers and have spoken to workers and other residents of that area.

Mr. PETERSON. How could something like that happen, then, I mean, why would they say that they needed a permit?

Ms. BARRY. The American consulate in Tijuana has interviewed the senior immigration officer who was on duty that particular day. And his version is that he noticed an incident. He had a group of immigration officers touring the maquila area because they were checking papers of foreign workers and executives who are employed in some of the maquiladoras. He noticed an incident and went to check it out.

And then his story is—and what have you heard this morning is pretty much the same. That the group was asked to identify themselves and they were escorted to the Mexican immigration headquarters office on the border itself.

Mr. PETERSON. But, you know, we have heard them say that they were given the reason that they can't do this. Don't these folks know their own laws? I mean——

Ms. BARRY. I have no idea how well-informed——

Mr. PETERSON. It is hard for me to understand how this can happen. Is this a normal procedure that they would detain somebody for 3 hours and not let them make a phone call? Is that how things are done in Mexico normally, or what?

Ms. BARRY. That particular aspect, sir, does happen on the border. American citizens are detained for—by either Mexican immigration or police officers—for various reasons. The U.S. consulate is not always notified directly by the officials that they have taken an American into custody for a period of time. And not all American citizens phone the American consulate for assistance.

My colleague in Tijuana tells me that on many occasions Americans are allowed to make a collect phone call out of a detention facility. Many of them will call the United States collect, to either family or friends, and the consulate will hear about it secondhand and then go to provide assistance. But it is true, sir, that not in all instances are Americans permitted to phone immediately.

Mr. PETERSON. Mr. Kourpias, you evidently went to this maquiladora area earlier in the year; did you?

Mr. KOURPIAS. Yes, I believe it was in the month of May we were there.

Mr. PETERSON. What kind of visas or permission did you get at that point?

Mr. KOURPIAS. Nothing at all. The bus driver stopped at the border and whatever conversation occurred between him and the immigration officials at that time, I don't know. We proceeded. It was a 2- or 3-minute stop. We proceeded and we toured communities and went through the city of Tijuana, went out into the maquiladora area and saw the plants. And I must say, at that time, we had no problem.

Mr. PETERSON. Your purpose of that trip was similar to this one, to go down and take a look at things?

Mr. KOURPIAS. Yes.

Mr. PETERSON. Did you distribute any literature or try to organize workers or anything?

Mr. KOURPIAS. No, not at all.

Mr. PETERSON. Did you talk to Mexicans?

Mr. KOURPIAS. Oh, yes, we went to several communities and talked with workers in those communities with the community leaders. We talked about NAFTA and we talked about working conditions. And I can tell you, in all instances, they pleaded with us, let us come to the United States and testify.

Mr. PETERSON. We have had some of the workers come to this subcommittee. And I have been——

Mr. KOURPIAS. That is quite an experience.

Mr. PETERSON. I have been in that area that you were in myself, I think it was May or June of this year, and saw some of the same conditions. But at that time, you didn't have any trouble with the Mexican authorities? You weren't told that you couldn't do this or you were not detained?

Mr. KOURPIAS. Not at all, we had no problem on our trip. But this one here, as I said in my testimony, it is quite unusual, and I don't know why it happened. But what bothers me more than anything was after the authorities were told the purpose of the trip, these people were detained for over 3 hours and they were not permitted to make telephone calls. One telephone call was made, and I might say on that, it was made by special assistant to my office, and I said to him, I said—he called the United States and I said: Well, maybe you should have called the consul in Tijuana. And he said: I wanted to get the message to you first that something was wrong.

So that is what happened. Only one phone call. Had their been two phone calls, I am sure he would have attempted to call the American consul and tell him that we were being detained.

Mr. PETERSON. The report from the Mexican Embassy says that similar situations have taken place on several occasions in the past and that foreign nationals were members of the IAM. Do you know of any other——

Mr. KOURPIAS. No, not at all.

Mr. PETERSON [continuing]. Occasions that have caused this kind of commotion?

Mr. KOURPIAS. Not at all. I know of only three trips that IAM members may have made. The trip made by the executive council of our union in May, I believe there was a trip made by a local lodge in Burlingame, CA, the local lodge there took action to send some of their workers to view the maintenance base which is going to employ 3,000 people to maintain American airlines down there; and this trip, as far as the IAM is concerned. But many trips have been made by Americans down there.

Mr. PETERSON. I just—you know, when they say similar situations, I don't know exactly what they are talking about.

Mr. KOURPIAS. I don't either.

Mr. PETERSON. They couldn't be talking about your trip last spring because you didn't have any problems at that point. You know, if—well, if you can't go down there and talk to Mexican workers or give them any information, and given some of the testimony we have had in this committee, I, myself, wonder how much chance the Mexican workers are ever going to have at improving their situation.

What do you think? Do you think from what you have seen of the situation——

Mr. KOURPIAS. In talking to the workers down there, their chances are not very good because there is no show by the present administration, the present government of Mexico, to change things in those areas. And you heard some of the descriptions, you have seen it, Mr. Chairman, with your own eyes.

The conditions of workers in Mexico are deplorable. And then you say, well, why is there a fear by American workers?

There is a fear by American workers because we have lost thousands of good paying jobs, high-skilled jobs. The industrial base of our country has been eroded in the last 12 years. And now we have got NAFTA to contend with. And knowing how multinationals deal, because I deal with them everyday, knowing their greed, I can

guarantee you that that flow of work will go down there as quickly as possible.

And then what are we looking at? And what concerns me, Mr. Chairman, everybody says well, it is going to balance off eventually of course; it is not going to be too long before we start getting jobs. But not one person has told us what kind of jobs they are going to be.

And we are not talking about jobs that Americans do not want to do. I toured that area. General Dynamics took 300 workers out of Fort Worth and took them to the Tijuana maquiladora area, beautiful plant. That is a high-tech one.

Our members in Fort Worth were making $16 and $17 an hour. And there they are making a little over $1 an hour. So whether people want to hear about that sucking sound, I want to tell you, it is going to happen.

Mr. PETERSON. You know, I was—this is a little bit off the subject here today, but I saw that facility that is going up for the 747's, and that is a massive building. I mean, it is something to see. You can't imagine it until you actually see it.

But, you know, we have jurisdiction in this subcommittee, oversight over the FAA. And I was just wondering, and I don't know if you know the answer to this or not, but how does that work that American planes can go down there?

Would the FAA have to certify this facility? And how can we be assured that there is going to be adequate quality and that the work that is done is safe and that people can—you know, do you know anything about that, you folks being involved in this?

Mr. KOURPIAS. Yes, those are our members who will lose their jobs. And the FAA must identify those foreign bases and they do. They have done 80-some so far, I believe, all over the world.

Mr. PETERSON. Sometimes I suppose they need to have them because they are in Europe, or whatever.

Mr. KOURPIAS. Exactly. Well, prior to the last several years, you had to—if you were to maintain an airplane in a foreign nation, it had to be on an emergency basis. But in the last several years, the FAA has sanctioned over 80 facilities around the world in which that work can now be done.

I know of no safeguards. The American Government or the FAA is not going to license the mechanics, the high-skills mechanics, supposedly, that will work on those airplanes, like they do here. They are going to sanction the base. And we have not been very successful in questioning the FAA on the 80 other sanctions that they have given. So, I worry about this. I worry very much about it.

And as you know, there is legislation in the Congress. We are attempting to get this stopped before we lose that skill in America also, the high skill of maintaining our airline transport industry.

Mr. PETERSON. That is maybe something that this committee ought to look into——

Mr. KOURPIAS. We would appreciate it.

Mr. PETERSON [continuing]. As well. And we can find out more information about this.

I am also concerned—this is a little off the subject as well—but this idea that they are going to privatize the air traffic control sys-

tem, which I can't for the life of me understand what that is going to accomplish other than more problems.

Mr. KOURPIAS. I can't either.

Mr. PETERSON. So maybe we will work with you and find out exactly how this is operating and what the effect is going to be.

Mr. KOURPIAS. I will see that we get as much information in the next week as we can, Mr. Chairman.

Mr. PETERSON. I appreciate that.

Mr. Jefferies, in the documents provided us by the Mexican Embassy, they sent a 1-page summary of what they believe happened. And it states that the workers were distributing propaganda opposing NAFTA, denouncing the company and its union, and it says that this happened before.

Have you ever been to this plant before?

[The documents follow:]

EMBASSY OF MEXICO
OFFICE FOR FREE TRADE AGREEMENT NEGOTIATIONS
1776 EYE ST., N.W. SUITE 820
WASHINGTON, D.C. 20006

TO: Eddie Holeman
FAX. NO: ( ) 225-4960

FROM: Felix Bautista
FAX. NO: (202) 296-4904

RE: _____

DATE: Sept 29, 1993

COMMENTS:

TRASMITING 12 PAGE(S) INCLUDING COVER SHEET.
IF THERE ARE ANY PROBLEMS CALL (202) 728-1774.

Embajada de México

VIA FAX

Washington,D.C. September 23th, 1993

Mr. George J. Kourpias
International President
International Association of Machinists
and Aerospace Workers
9000 Machinists Place
Upper Marlboro, Maryland 20772-2687

Dear Mr. Kourpias:

I acknowledge receipt of your letter dated September 22th, 1993 protesting over the treatment received by members of your union during a visit to Tijuana last Tuesday, September 21.

I would like to clarify what actually happened and inform you of the legal framework regulating the entrance to Mexico of foreign nationals, specifically regarding Mexican Migratory Act.

Immigration regulations in Mexico are very similar to those enacted in other parts of the world. By law, the Mexican Government accepts or denies the entrance of, and grants or denies legal immigration status to, foreign nationals depending on the activities they declare they will be carrying out in the country.

The members of your union entered Mexico through Tijuana and were accepted as local visitors with tourist purposes. It should be noted that at no time were Mexican authorities notified that they were entering Tijuana on behalf of the International Association of Machinists and Aerospace Workers.

It has been sufficiently documented that the 39 members of your Union -not 38 as you mentioned- entered Mexico for the specific purpose of engaging in political proselitism: that is, to promote opposition to NAFTA amongst the workers of "Plasticos Baja Cal" and instigate their dissatisfaction with the company and its union. As you are aware, Mexican authorities were called upon to act when the 39 people in question were seen distributing propaganda, some of which I am enclosing with this letter.

Aside from distributing pamphlets, the members of your union were seen by Immigration officers proselytising the workers during

the company's shift break. Those are not considered tourist activities.

In that regard, articles 43 and 42, sec. X of the Mexican Migratory Act (Ley General de Población) clearly state that all foreign nationals authorized to enter Mexico have the obligation to engage solely in the activities specified in their entry permit.

Article 120 of the same Act refers to the enforcement measures to be taken in case of violations by foreign nationals, which include cancellation of visas and deportation.

In this case, however, the 39 people in question were simply asked to accompany the officers to the Local Immigration Office where they were informed of their violations to the Mexican Migratory Act. They were free to descend from the bus transporting them and, unlike the assertion in your letter, were never confined to it. Also, they were free to make phone calls and, as a matter of fact, some members of the union did make several phone calls from the Immigration Office.

At all times, the 39 members of the Union were treated with respect and courtesy. The local authorities invited them to stay in Tijuana, if they so wanted, as tourists, in the understanding that they were not to engage in activities restricted by Mexican law. They decided, however, to go back to the United States. No more than two hours and a half elapsed since the autorities were notified of their activities until their departure from Tijuana.

A mutual respect for each other's sovereignty and internal jurisdiction, including the domestic legal framework is the basic tenet for a more mature relationship between our two societies. While the Mexican Constitution restricts foreign nationals from infringning in matters that are of an internal nature, Mexico will always be open to trade and tourism.

Jorge Montaño
Ambassador

International
Association of
Machinists and
Aerospace Workers

9000 Machinists Place
Upper Marlboro, Maryland 20772-2687
Area Code 301 967-4500
OFFICE OF THE INTERNATIONAL PRESIDENT

SEP-21-93 TUE 10:00 2027361048 P.04

September 22, 1993

His Excellency Jorge Montano
Ambassador of Mexico
1911 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

Dear Mr. Ambassador:

I am writing to you to protest the treatment received by members of my union from Mexican federal immigration officials during a visit to your country on Tuesday, September 21.

These 38 men and women are citizens either of the United States or of Canada, and were touring Tijuana on behalf of the International Association of Machinists and Aerospace Workers.

While seated on a bus in the maquiladora area of the city, they were approached by Mexican authorities who identified themselves as Mexican federal immigration officials.

They boarded the bus and required everyone to produce identification and to write their names, addresses and ages on pads of paper.

Then they ordered the bus driver to follow them to an isolated area near the border where they detained the group for more than three hours.

For most of the time, the visitors were forbidden to get off the bus.

Repeated attempts to learn why they were being held were rebuffed. Six separate requests to make a telephone call were also refused. Two of the officials refused to give the group the name of the official in charge, but at one point did reveal that they were acting on orders from managers of the maquiladora plants.

After three hours of detention aboard or just outside of the bus, the group was told a variety of changing reasons as to why they were being detained and isolated.

At first, they were told that they were violating Mexican law because they did not tell border officials that they were going to visit maquiladora areas of the city of Tijuana. The fact of the matter is that the bus driver had obtained the necessary permit to enter the country, and nothing was said at that time about where the visitors intended to stop on their tour.

Next they were told that the violation was "discussing internal working conditions with Mexican workers." Still later they were told that what they were accused of was not illegal, but "irregular."

You might be interested in knowing that we learned that the Tijuana border officials did not act on their own, but had cleared their harassment with officials of your government in Mexico City.

Mr. Ambassador, we believe this extra legal harassment by federal government officials against citizens of Canada and the United States confirms our worst fears about the North American Free Trade Agreement (NAFTA).

This flagrant attempt by Mexican officials to harass visitors who clearly were not in violation of any laws, is an outrageous act against common decency. It is equally clear that these modern day international robber barons who operate the maquila plants in your nation are frightened of what visitors will see.

I wonder how your government can give assurances that environmental and labor standards will be enforced, when you so clearly demonstrate that basic laws covering human rights can be bent, broken or circumvented at the whim of the owners of foreign multinationals.

Obviously, I believe your government owes the 37 members of my union and one spouse an apology. But more important, I believe you owe the President and the Congress of the United States an explanation as to how you intend to enforce the side agreements to the NAFTA treaty, or even your own labor laws when your government demonstrates that is it controlled by foreign owners of multinational corporations.

Incidentally, my members were able to document several violations of Mexican labor law during the short time they were allowed to move freely about what many of them now consider a police state. Several of your citizens reported that enforcement of such laws is literally non-existent now and they see little hope for change.

I am most anxious to hear both your apology and any explanation that you might be able to make for this regrettable international incident.

Sincerely,

George J. Kourpias

George J. Kourpias
INTERNATIONAL PRESIDENT

GJK/spm

1

At 2:30 p.m. (local time) on September 21, 1993, Sergio Riedel Barocio, Mexican immigration service representative in Tijuana, Baja California, received a call from a company by the name of Plásticos Baja California, requesting the intervention of immigration officials. The reason for the call was that, at shift-change time, members of International Association of Machinists and Aerospace workers were distributing to the factory workers propaganda opposing NAFTA, and denouncing Plásticos Baja California and the company's labor union. From a group of 39 foreign nationals --33 of them from the U.S., 5 Canadian citizens, and a Dutch woman-- according to Plásticos Baja California, similar situations had taken place on several occasions in the past, and the foreign nationals were members of the International Association of Machinists and Aerospace workers.

Mexican immigration officials arrived at the plant site and found the foreign nationals outside their bus, distributing propaganda at the factory gate, and proselitizing the workers against NAFTA, and against their own labor union and Plásticos Baja California. They were informed that they required a permit to engage in such activity, since they had entered Mexico as tourists; and they were told that they needed Plásticos Baja California's approval to enter the factory grounds.

The foreign nationals were taken in their bus to the local immigration office to ascertain their immigration status. The bus was parked next to the immigration office, and the members of the union were allowed to walk around the parking lot. Thus, it is not true that they were prevented from unboarding their bus and that they were detained. It has also been said that the foreign nationals were denied permission to make telephone calls; however, Mr. Isaac Manikta, one of the group members, was offered the use of the phone, and other persons telephoned from the immigration office.

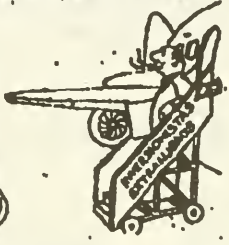
From the time of their arrival to the Mexican immigration office, the group was in communication with Riedel Barocio, the Mexican immigration service representative in Tijuana, Baja California, who spoke with them and invited them to remain in the city of Tijuana as tourists.

At 4:45 p.m. (local time) the group decided to leave Tijuana and return to the United States.

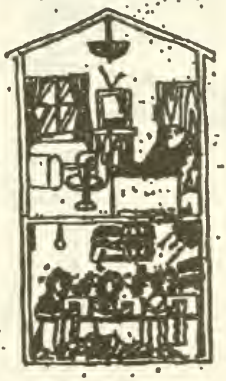
También nos dimos cuenta que muchas trabajadoras mujeres somos explotadas por jefes o supervisores, así como estos textos.

Las trabajadoras tenemos que cumplir con doble jornada (sin quejarnos) ocho horas de la fábrica tenemos que trabajar trabajando en la casa limpiar la casa y la ropa, cocinar, lavar trastes) o más que muchas doble jornada llegamos al hogar de trabajo diario. Sabemos de que nosotras somos las responsables de lo que le pueda pasar a nuestros hijos, así no tengamos de protegernos, de pronto la nuestros hijos mismos peligros, enfermedades, todas estas problemas y las injusticias que existen en las maquiladoras ponen en peligro nuestra salud física y mental.

A los patrones maquiladores extranjeros, a los administradores mexicanos y al propio presidente de México se les importa nuestra vida, sólo les interesa ganancias y explotación. Así es como han logrado, después de varios años de lucha, que existan empresas maquiladoras y con diferentes grupos que son apoyo, sindicatos independientes, y que realmente luchen por nuestros derechos y contra las injusticias patronales como el sindicato independiente de Matamoros y el de Ciudad Juárez de Piedras Negras Coahuila o el sindicato de Costureras 19 de Septiembre del Distrito Federal, o los sindicatos Democráticos de las trabajadoras de la maquila de Guatemala o Nicaragua.



Pero si a ellos no les importa nuestra vida y nuestra salud a nosotras sí y por eso es que desde Ciudad Juárez hasta Nicaragua las mujeres trabajadoras han estado organizando y está resultando. Así es han logrado, después de varios años de lucha, que existan empresas maquiladoras y con diferentes grupos que son apoyo, sindicatos independientes, y que realmente luchen por nuestros derechos y contra las injusticias patronales como el sindicato independiente de Matamoros y el de Ciudad Juárez de Piedras Negras Coahuila o el sindicato de Costureras 19 de Septiembre del Distrito Federal, o los sindicatos Democráticos de las trabajadoras de la maquila de Guatemala o Nicaragua.



Los acuerdos a los que llegamos son los siguientes:

1.-Seguir con comunicación y apoyo con los grupos y sindicatos independientes de otros lugares de México, Colombia, Estados Unidos, Guatemala y Nicaragua.

2.-Luchar y organizarnos por la salud de las mujeres trabajadoras.

3.-Denunciar las condiciones de injusticia y explotación que se viva en la maquila.

4.-Reconocimiento de la Doble Jornada que cumplimos las mujeres.

5.-Mejorar la organización de las mujeres trabajadoras.

6.-Realizar el 8 de octubre acciones contra la contaminación ambiental que provoca la maquila.

¡A LUCHAR COMPAÑERA, A ORGANIZARNOS!
¡NO ESTAMOS SOLAS!

A LAS TRABAJADORAS Y TRABAJADORES DE PLÁSTICOS RAMCAR

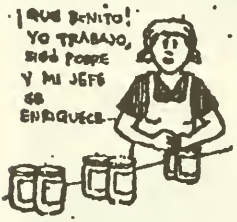
Compañeras trabajadoras asistimos al XX Taller de Trabajadoras de la Maquila, que se realizó del 16 al 18 de julio de 1993 en Torreón Coahuila.

Aquí vemos a nuestras trabajadoras de Durango, Tamaulipas, Chihuahua, Coahuila, Distrito Federal y muchos otros estados de México, así como compañeras de Guatemala y Nicaragua, todas ellas luchando por mejores condiciones de trabajo y vida.

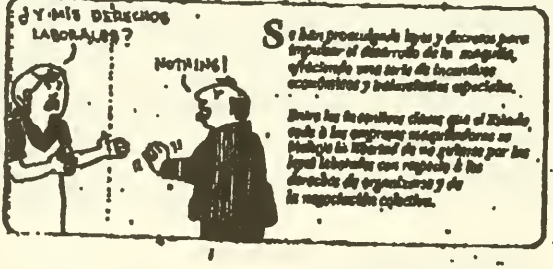
Hoy diez nuevos son las condiciones que padecemos todos y todas los trabajadores de la maquila desde el sur de Estados Unidos hasta Nicaragua, sufriendo por igual explotación, injusticia que están poniendo en peligro la salud laboral y hasta vida de las y los que producimos la riqueza de nuestros países.

En México existen más de 2000 maquiladoras, con una fuerza laboral de 500,000 personas de las cuales más de 385,000 somos mujeres, la mayoría entre 16 y 24 años.

Se calcula un promedio de N $150.00 a la semana como salario, así no podemos vivir en casas con servicios públicos, muchas veces ni siquiera con sanitarios, provocando por las deficientes y deficientes drenajes que van dejando las maquiladoras.



El tema principal del taller fue la salud laboral de las mujeres, así pues vemos infinidad de enfermedades del trabajo como: quemaduras, irritación y escoriaciones en la piel por lidiar a diario con materiales químicos que manejamos, sin la protección adecuada, irritación de ojos (dolor de cabeza y la piel, hasta problemas mentales como esquizofrenia, por mencionar algunos, provocados por el ambiente de trabajo, así como también enfermedades que las maquiladoras no reconocen como enfermedades profesionales, pero que son provocadas por el trabajo que realizamos (calambres, dolor de espalda, dolor de cabeza, etc.).



Se han promulgado leyes y decretos para impulsar el desarrollo de la maquila, ofreciendo una serie de incentivos económicos y tributarios especiales.

Pero no se explica claro que el Estado está a los empresas maquiladoras no otorga la libertad de no pagar por las leyes laborales con respecto a los derechos de organización y de la negociación colectiva.

COMPAÑEROS DE PLASTICOS BAJA CAL:

"A cada capillita le llega su fiestecita". Y así es compañeros ya que nos estamos acercando a la recta final y definitiva de nuestra lucha por obtener la titularidad del Contrato Colectivo de Trabajo, la que como ya hemos informado tiene en su poder la agrupación charro-sindical "México Moderno" de la CROM. La fecha de audiencia como señalamos anteriormente será el 30 de abril del presente año y posteriormente se pasará a votación en la fábrica de Plásticos Baja Cal. donde estamos seguros que contaremos con el apoyo de la gran mayoría de todos ustedes, para que con tu voto podamos destituir a este sindicato corrupto e ineficiente, el cual jamás ha dado la cara con hechos de acuerdo para defender nuestros derechos de trabajadores, y sin embargo con increíble descaro cobra fuertes sumas a la empresa, para que ésta impunemente siga haciendo de las suyas. La empresa al ver que sin remedio se viene acercando su hora "cero" lanza desesperadamente patadas de ahogado tratando de intimidar a algunos compañeros con medidas como: amenazas de despido, cambio de puesto en el trabajo y cambios de turno a capricho incluyendo el turno de la noche, sin importarle que algunos de ellos sean menores de edad violando así lo establecido en el artículo # 175 de la Ley Federal del Trabajo. Todo esto a sido por la simple sospecha de que dichos compañeros han venido colaborando en nuestra lucha. Entendemos compañeros de que NO ES NINGUN DELITO de que cualquier trabajador quiera agruparse libremente a otro sindicato pues los artículos 354 y 355 de la misma Ley Federal del Trabajo nos otorga este derecho; privilegio reforzándose además con los artículos 9º y 7º de la Constitución Política Mexicana referente al derecho de todo mexicano a la libre expresión.

Así que NO permitas que TRINIDAD GUTIERREZ, JORGE ARAMBURO o GUILLERMO NAVARRO pretendan intimidarte o amenazarte con sus sobados argumentos barajeados a su favor o a favor de la Empresa. Ten en cuenta que la actividad de estos sujetos no hace sino despertar su debilidad y poca calidad moral. La lucha día con día se ha ido avivando más y más, como muestra podemos revisar los diarios locales "El Mexicano" (19 de marzo, 2 y 8 de abril), "El Sol de Tijuana" (9 de abril), "El Heraldo" (16 de marzo), "Zeta" (16 de abril), etc., incluyendo periódicos norteamericanos como el "The San Diego Review" (4 de abril) para que valores el alcance de la lucha que estamos y estaremos sosteniendo con tu apoyo y el apoyo desinteresado de gentes de reconocido prestigio político y social que han logrado entender esta lucha lo cual estamos totalmente seguros repercutirá en beneficio de todos los sobres los trabajadores.

Una vez más: Gracias por tu apoyo y SIGAMOS ADELANTE!!

"EL TRABAJADOR UNIDO LOGRARA IMPONER SUS METAS"

VENCEREMOS.

COMPAÑEROS DE PLASTICOS BAJACAL:

Con su estilo prepotente gerentes y supervisores abusan del trabajador, al exigirle estandares muy altos de produccion y quieren aumentarlos mas, cuando se nos contrata por jornada no por estandar. Ademas nos siguen robando media hora por cada turno, no se cumple con la seguridad adecuada, omiten lentes, guantes, mascarillas en algunas areas, batas, etc.

Accidentes los hay muchos, uno grave cuando algunas mangueras de aceite o agua caliente de las maquinas de moldeo se desconectan dandose a los operadores y ayudantes quemaduras en ropas. Tambien la empresa tiene la obligacion de dar cursos de capacitacion a sus trabajadores o ayudar a los que estudian cuando lo necesiten.

Hay un dicho que dice "cada gallo en su gallinero canta", tal es el caso de los gerentes y supervisores, pues en la fabrica abusan del trabajador y cuando los compañeros despedidos vienen a volantear les gritan cualquier y media. Pero el dia de la audiencia el 24 y 25 de agosto pasado, estubieron como medio muy calladitos, Guillermo Navarro que es el que mas acostumbra a insultar ni a la audiencia se presento, que dicque se enfermo. Dicen que el miedo da "chayrillo".

Los testigos de la empresa a pesar del entrenamiento constante que les dio la abogada de la empresa varios dias antes de la audiencia, algunos no recordaron y tuvieron que decir la verdad, que jamas nos vieron repartir volantes. Volvemos a repetirlo solo el cinismo de la Junta de Conciliacion puede salvar a la empresa

Compañero conoce tus derechos para que no abusen de ti, unete a nosotros. Los trabajadores y trabajadoras de plásticos Bajacal afiliados al Sindicato Revolucionario de Trabajadores de la Industria del Plastico, Similares y Conexos de la C.O.R.

COMPAÑEROS DE PLASTICOS BAJACAL.

Compañeros nuestro esfuerzo ya esta dando frutos ; no hay que dar un paso

atras los logros obtenidos son : * La obtencion del SAR.
*Revaluaciones.
* Menos presión en algunas areas.

Esto ha sido de presión ya que se ha dado a conocer por medio de la prensa, radio y television . Exigiendo nuestros derechos. Los beneficios serán muchos y mejores una vez que hayamos elegido e introducido nuestro sindicato

Los compañeros despedidos no hemos aceptado ni un centavo de la empresa - porque queremos continuar en la lucha para un beneficio cercano para nosotros y futuros para los que ingresen. Por eso sigamos firmes y no hagamos caso de lo que dicen los gerentes de cerrar la empresa en caso de que nuestro sindicato entre, eso no es cierto ellos lo hacen porque se sienten perdidos saben que la victoria es para nosotros y quieren a toda costa que retrocedamos no ignoran lo mucho que han trabajado por eso amenazan aunque digan que no - es palabras que tienen miedo.

TENEMOS MAS DE LA MITAD DEL CAMINO RECORRIDO Y CAMINADO CONTINUEMOS UNIDOS Y

JUNTOS VENCEREMOS LA UNION HACE LA FUERZA.

COMPAÑEROS DE PLASTICOS BAJACAL.

Compañeros nuestro esfuerzo ya esta dando frutos; No hay que dar un paso atras los logros obtenidos con: la obtencion del S.I.N.

evaluaciones (despues de una prueba de un saber)

Menos presion en algunas areas

Esto lo hemos logrado a base de presion, dando a conocer lo que en la fabri casucede por medio de la prensa, radio y television. Exigiendo nuestros derechos.Los beneficios seran muchos y mejores una vez que hayamos [illegible] e introducido nuestro sindicato el de Trabajadores Sector Obrero de Baja California.

Los [illegible] no hemos terminado ni un momento de la empresa porque queremos continuar en la lucha para un beneficio cercano para nosotros y futuro para los que ingresen. Por eso sigamos firmes y no hagamos caso de lo que dicen los gerentes de cerrar la empresa en caso de que nuestros [illegible] ganen, eso no es cierto ellos lo hacen porque se sienten perdidos saben bien que la victoria es para nosotros y quieren a toda costa que retrocedamos, no ignoran lo sucio que han trabajado por eso emplean,aunque digan que no es palpable que tienen miedo.

TENEMOS MAS DE LA MITAD DEL CAMINO RECORRIDO Y GANADO.
CONTINUEMOS UNIDOS Y JUNTOS VENCEREMOS. LA UNION HACE LA FUERZA.

TRABAJADORES DE PLASTICOS BAJACAL.

cido como accidente de trabajo (por que no revisaron los frenos, pérdidas de aceite compañera Luz Corona, el choque del camion por no revisarle los frenos, pérdidas de aceite de los compañeros, machiconazos y fracturas en brazos y manos. Son demasiados los accidentes que ocurren en esta empresa. ! ESO ES LO QUE TIENE QUE CAMBIAR ! sobre eso es lo que queremos hablar.

Son tan incapaces de cumplir con su propia palabra los patrones, que ni siquiera el contrato que nos hacen firmar al entrar a la fabrica son capaces de respetar, el punto V de nuestro contrato individual dice "Que sabe (el trabajador) que la empresa tiene necesidad de variar su personal de acuerdo a las necesidades de la misma, por lo que esta de acuerdo en que no le cubrirá [illegible] y horario cuando sea necesario, SIN PERJUICIO DE SU SALARIO RIO" , todos sabemos bien que cuando a uno le cambian de horario , por ejemplo de la noche a la mañana, le bajan el salario a uno.

Diem que para muestra un boton basta. Parece que la empresa Plasticos Baja Cal es un muestrario de violaciones a la Ley Federal del Trabajo e injusticias para los trabajadores.

Por ultimo queremos hacer de su conocimiento que la primer audiencia para pelear la titularidad a el sindicato vencido Unico Moderno de la cual, sera el dia de abril.

Trabajadores y trabajadoras de Plasticos Baja Cal

COMPAÑEROS Y COMPAÑERAS DE PLASTICOS:

[illegible] cuanto , pero la realidad es que ellos son los que estan fuera de la ley.

La empresa y su sindicato trataron de decivir la audiencia, queriendo comprar nuestra conciencia con una miserable indemnizacion la cual rechazamos porque lo que nosotros buscamos es la reinstalacion y la titularidad del contrato. Porque teniendo nosotros los trabajadores en nuestras manos el sindicato y el Contrato Colectivo, podremos defender nuestra lucha y mejorar nuestras condiciones de vida y trabajo.

En el [illegible] la CFM quisieron maniobrar para que no saliera la demanda, pero al ver que no pudieron lo unico que hicieron fue aplazarla para el 20 de mayo .Compañeros y compañeras con todo esto lo que pretende la empresa es dividirnos y desanimarnos. Ahora mas que nunca debemos seguir, porque nuestra lucha no es por migajas (fiestecitas, rifas o [illegible] cantidades ridiculas), sino por nuestros derechos y nuestra dignidad, es por esto que [illegible] sindicalistas de Mexico, CTM y Caiman, ante ante la prensa nacional e internacional [illegible].

Si los trabajadores la empresa quiere platicar con nosotros individualmente, asi nos lo a comunicado por medio de sus achichincles, mediante este volante aceptamos la invitacion, pero a condicion que las platicas sean delante de todos ustedes,ya nada deven hacer en esta hecha.

No te desanimes ! UNIDAD VENCERAS !

POR QUE LUCHAMOS LOS OBREROS DE BAJACAL

- Por disminuir la aceleracde presi ón para que aumente la produccion.
- Por mejorar el trato de supervisores, jefes y gerentes.
- Por obtener el transporte gratuito de nuevo .
- Por lograr alimentos gratuitos y de buena calidad como antes.
- Porque si instalen estractores para proteger nuestros pulmones.
- Porque se nos cubra el SAR para cuando nos incapaciten o despidan haya una reserva.
- Porque haya trato justo alas compañeras que se embarazan.
- Por evitar que se nos despida injustamente.
- Reparto de utilidades conforme ala ley.
- El aumento anual.
- Mejor ambiente de trabajo.

Todo esto y los problemas que se presenten a futuro con un verdadero sindicato podremos defendernos, sin peligro que nos despidan.--por el simplehecho de exigir nuestros derechos, ya que tendremos un sindicato que nos defienda.

COMPAÑEROS DE PLASTICOS BAJACAL SIGAMOS UNIDOS JUNTOS VENCEREMOS.

Compañeros y compañeras:
La lucha sigue, no es cierto que la empresa ya liquidó a los despedidos, como trata de hacernos creer con sus escritos falsos, tan falsos que tiene que pagar millones de pesos para que la prensa publique sus mentiras.

Los despedidos seguimos luchando por nuestra reinstalación y por que lleguemos a tener un sindicato de los trabajadores, que nos defienda y mejore nuestras condiciones y no como el sindicato "México Moderno" de la CROM que compraron los patrones.

Solo una parte de lo que publicó la gerencia es verdad; la de que aquí producimos más que en Estados Unidos, se produce más por la carrilla que nos dan, por los estandares que nos imponen ilegalmente, ya que nuestro trabajo debe ser por jornada y no a destajo, como lo marca el art. 123 de la Constitución Mexicana. La empresa se queda con más ganancia por lo poco que nos paga, pues en Estados Unidos el salario mínimo es de $4.30 dls. por hora. Y por lo mucho que se ahorran en seguridad industrial, pues qué seguridad tenemos, si como el caso del compañero que perdió el ojo, en un accidente de trabajo, donde los mismos jefes dijeron que no era empleado sino que andaba de visita, o como a la compañera que aborto frente a la máquina. Además después los corrigieron.

También los patrones ganamos aquí porque nos hacen trabajar media hora más de lo que establece la ley. Violando el art. 123 de la Constitución Mexicana donde establece que la jornada máxima será de 8 hrs. También violan la Ley Federal del Trabajo que dice: en el art. 60.-"Jornada diurna es la comprendida entre las 6 y las 20 hrs.
Jornada nocturna es la comprendida entre las 20 y las 6 hrs.
Jornada mixta es la que comprende períodos de tiempo de las jornadas diurna y nocturna siempre que el período nocturno sea menor de 3 y ½ hrs., pues si comprende 3 y ½ o más; se reputara jornada nocturna."
y el art. 61.-"La duración máxima de la jornada será de:
8 hrs. la diurna, 7 la nocturna y 7 y ½ hrs. la mixta."

Todas nuestras demandas han sido concedidas y escuchadas en: El Congreso del Estado y se está presionando a la Junta Local de Conciliación y Arbitraje por medio de la Procuraduría de los Derechos Humanos, para que agilicen la reinstalación y se haga la votación por nuestro "Sindicato de Trabajadores Sector Obrero de Baja Cal", también se tuvo una entrevista con el Lic. Lorenzo Ventura Salazar Procurador General de la Secretaría de la Defensa del Trabajo y Previsión Social. Solicitamos una entrevista con el Gobernador del Estado, amparándonos en el art. 130 de la Constitución Mexicana donde menciona que el Gobernador del Estado tiene la obligación de publicar y hacer cumplir las leyes federales.

Nuestros temores un arma muy poderosa que es la razón de luchar contra las injusticias de la empresa y decimos la verdad, por eso nos han escuchado en varias partes y por eso tenemos que seguir unidos. Mientras más nos apoyemos, más rápido ganaremos.

UNIDOS VENCEREMOS
TRABAJADORES Y TRABAJADORAS DE PLASTICOS BAJACAL.

Business

THE SAN DIEGO UNION-TRIBUNE • WEDNESDAY, MAY 6, 1998

Charges: *With labor advocate Victor Clark Alfaro, Lua Elena Corona (right) details her miscarriage at work.*

Maquiladora union with muscle is goal

By DIANE LINDQUIST
Staff Writer

TIJUANA — A group of workers fired from a plastics maquiladora factory here is attempting to organize an independent union — one boasting real muscle — with help from labor, church and social groups on the U.S. side of the border.

Three former employees of Plastikon Tijuana, affiliated with ABE Products Group of Santa Ana and a division of Canada's Plastica, said at a press conference yesterday that they were among 11 workers recently fired for complaining about poor working conditions and trying to organize.

Corona, complained that she suffered a miscarriage when a supervisor would not allow her to leave the assembly line.

Others said employees are subjected to excessive workloads, unsafe and hazardous conditions and harsh and mistreatment.

"If we win this struggle," said ex-employee Javier Hernandez, "the first thing we want is better treatment for the workers and better wages. Moreover, we want this to be an example for workers in other maquiladoras."

Representatives of the U.S. organizations at the press con-

...mexico, said at a press confer-
ence yesterday that they were
among 12 workers recently fired
for complaining about poor work-
ing conditions and trying to or-
ganize an independent union.

One of the workers, Luz Elena

...lower wages. Moreover, we
want this to be an example for
workers in other maquiladoras."

Representatives of the U.S.
organizations at the press con-

See Workers on Page C-2

Struggle

Will Our Taxes Fund More Weapons, Even in Peacetime?

ian Diego Review
& Comic News
on & Culture
. IV No. 4 April 1, 1993

elga!

Maquiladora Workers Unite

Tijuana Labor Struggles Are Fight For Survival

by Mary Trag

In an unprecedented show of solidarity and determination, Tijuana's maquiladora workers united in March to demand recognition of their own independent unions -- outside the control of Mexico's official labor structures, which have a history of cooperating closely with management and the government.

Workers' actions have exploded at Gleem Industries and Plasticos de Baja California, and community and labor support from north of the border is rapidly mobilizing. But internal pressure on workers is also on the rise.

"They called me into the manager's office and asked 'How much do you want to be paid to tell us who is organizing this union?' When I refused to

ar Struggle, page 4

Pay More, Get Less

Managed Competition In Health Care Is No Bargain

by Greg Akin

The word is now official: White House internal memos recently released to the Washington Post show that with managed competition in health care, Americans will pay more and get less. Because the system can't control costs sufficiently to cover all Americans fully, the Clinton administration is "planning to" a "single payer

(9)

International
Association of
Machinists and
Aerospace Workers

Copy to: Joy Simonson
9000 Machinists Place
Upper Marlboro, Maryland 20772-2687

Area Code 301
967-4500

OFFICE OF THE INTERNATIONAL PRESIDENT

September 28, 1993

His Excellency Jorge Montano
Ambassador of Mexico
1911 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

Dear Mr. Ambassador:

This will acknowledge receipt of your letter dated September 23, 1993, in which you attempted to answer my protest regarding the treatment of 38 members of the International Association of Machinists and Aerospace Workers (IAM) at the hands of officials of the Mexican federal government on September 21.

Mr. Ambassador, I can only say that you were badly misinformed as to what actually happened to our members, who are citizens of the United States and Canada.

I will not make an issue of the number of IAM members involved, although I will restate that the number was 38, not the 39 you, for whatever questionably pertinent reason, contend.

Nor did they enter Mexico for the purpose of proselytizing or propagandizing, but rather to witness first hand the way corporations owned by foreign nationals treat their Mexican workers.

The charge that we were distributing pamphlets is ridiculous. None of the members of my union had ever heard of Plasticos Baja Cal before coming to Tijuana. Aside from the fact that none of them had the language skills to compose such handbills in Spanish, none of my members knew anything about the history of the company's labor relations. Therefore, they could not compose the material you now -- after the fact -- allege they wrote.

They did not even speak to any Plasticos employees during the shift break, let alone handbill or propagandize them.

While I am not familiar with the Mexican Migratory Act, I do know that our members did not engage in any illegal political activity.

They did visit with Mexican citizen/workers and discuss their abominable working conditions and did see with their own eyes the squalor and abject poverty in which your citizens live. They also witnessed the lack of enforcement of both labor and environmental laws, which your citizens complained about in their discussions. If engaging in open dialogue with Mexican citizens is a violation of Mexican law, then I must really question whether your country is the democracy that it attempts to tell the world that it is.

Finally, I must dispute your statement that my union members were allowed to descend from the bus whenever they wished. Furthermore, the IAM members never were inside of the Immigration Office, so they could not and did not have access to phones in that building as you stated.

In fact, after six requests to make a phone call over a three-hour period, my special assistant, Mr. Patrick J. Ziska, finally was told he could make a call by walking a long distance to a public telephone. Meanwhile, the other union members were required to remain either inside or just outside of the bus until he returned.

Please be assured that the IAM, its officers and members, share your hope for a mature relationship between our two countries. At the same time, we believe that your nation should begin to enforce your own labor and environmental laws, so that Mexican workers can begin to live in dignity and share in the prosperity being enjoyed by the multinational corporations who are operating in Mexico. Until that first step is taken, we believe it is specious to enter into any so-called free trade agreement with the United States, Canada, or any other nation.

Sincerely,

George J. Kourpias

George J. Kourpias
INTERNATIONAL PRESIDENT

GJK/spm

Mr. JEFFERIES. No, I haven't.

Mr. PETERSON. Did you bring any printed materials with you?

Mr. JEFFERIES. No, I did not.

Mr. PETERSON. Do you know who Mexico Moderno is?

Mr. JEFFERIES. No, I do not.

Mr. PETERSON. It is the company union that your group was alleged to have denounced.

Mr. JEFFERIES. I am not familiar with it.

Mr. PETERSON. When the former Plasticos worker walked by as you were standing outside the bus, did you give him any leaflets or try to talk to him about working conditions or anything like that?

Mr. JEFFERIES. I did not. I had nothing but a camera with me, sir.

Mr. PETERSON. Is it your belief that the workers have a right to talk and act freely when they are not on plant property and it is not during their working hours?

Mr. JEFFERIES. I believe we should have been allowed to talk to them, yes. We were not interfering with any operations of the plant.

Mr. PETERSON. Did you come to Tijuana to proselytize this worker or any other workers?

Mr. JEFFERIES. I didn't hear the question.

Mr. PETERSON. Did you come to Tijuana to proselytize the workers? Is that why you were there?

Mr. JEFFERIES. I don't understand the word, and therefore I can't answer.

Mr. PETERSON. In other words, try to fill them with propaganda.

Mr. JEFFERIES. No, all we wanted to do was learn what was happening.

Mr. PETERSON. See what was going on. The Mexican Embassy says that your group was allowed to walk around the immigration parking lot and was therefore not detained. Is that how you would view what happened in that parking lot?

Mr. JEFFERIES. No, I don't know if I was on an immigration parking lot or not. I can only tell you I was in an enclosed area.

Mr. PETERSON. Did you feel free or at liberty in this area?

Mr. JEFFERIES. No.

Mr. PETERSON. You didn't? They said that you were.

Mr. JEFFERIES. We weren't free because there was a guard at the gate where we came in, and of course there were the Mexican police standing with us. No, we were not free.

Mr. PETERSON. Mr. Winterhalter, you were talking about going to Canada and you never had these kinds of problems up there. But you haven't been to Mexico before?

Mr. WINTERHALTER. No, I haven't.

Mr. PETERSON. You, personally. So you elaborated a little bit, about the living conditions in Mexico, could you tell us a little bit more about—I saw some of this. I wasn't there very long but it looks like they were squatting next to these plants and just putting up boxes that they were living in and stuff.

Did you see this kind of thing?

Mr. WINTERHALTER. These weren't homeowners in the sense that we look at it up here. They were squatting on government land, but

they had to pay taxes for that land. And these are shacks. I don't know how to describe it.

You look at it from a distance and it looks like a lumberyard that a tornado went through, but you get up on it and you can see there are structures there. Basically, they start out with something small, 4 by 8, and you can see over the years that things are added on. Different materials for the roof and the side, and where they repair things.

When I first got married, I didn't have a lot of money and I lived in Detroit, and I didn't live in a good area. And I thought it was tough there then. And I still go back there once in a while to see where I came from. And I have never seen nothing like this in my life.

Mr. PETERSON. One of the things I was surprised about were the wires, where they would tap into the electrical wires and run them. Did you see that?

Mr. WINTERHALTER. It looks like one of my projects in the garage, is what it looked like. In many cases, if there is a utility pole that was not particularly put in for their use, they will pirate electricity for radios and televisions.

Mr. PETERSON. And the government evidently has enough time to detain you and keep you at the border, but doesn't have the time to go over there and check on the——

Mr. WINTERHALTER. Those were the only authorities I saw the whole time on the bus trip. I saw no squad cars patrolling the communities.

Mr. PETERSON. I read a press account one day, that those of us who are not enamored with NAFTA just don't understand that one of the advantages, one of the reasons that Mexicans don't need as much money as we do, is because their housing costs are so much cheaper.

Mr. WINTERHALTER. They certainly are.

Mr. PETERSON. And, you know, how much are they paying do you suppose for these shacks?

Mr. WINTERHALTER. We didn't ask. Like I said, I had never been there before. You got some enthusiasm, you had heard stories and you think it can't be that bad. And you get there and it starts loading on you. And by the end of the day, even before the immigration showed up, I was ready to leave.

I had seen enough. I was exhausted, even though we had been there only 6 hours. I didn't want to stay anymore. I had seen enough.

Mr. PETERSON. Thank you. Mr. Zeliff.

Mr. ZELIFF. Thank you, Mr. Chairman.

Mr. Kourpias, did I pronounce your name right?

Mr. KOURPIAS. Just fine.

Mr. ZELIFF. You mentioned three trips to Mexico. One in May, and you were not on this one on the 21st, but I assume that was one of the three that you were referring to?

Mr. KOURPIAS. Yes.

Mr. ZELIFF. When was the other one?

Mr. KOURPIAS. I don't know, I would say in the last 2 or 3 months.

Mr. ZELIFF. And basically what I heard you say, I wanted to make sure, was that on the other trips there were no incidents, no problems?

Mr. KOURPIAS. There was no problems, Congressman, on our trip. The trip from the workers at the maintenance base in Burlingame, I did not hear of any. And I am sure they would have called me if there was.

Mr. ZELIFF. And on this particular case, you were not on this trip but you got called. That was the one phone call. They called you. Who did you call at that point? Did you call the committee first?

Mr. KOURPIAS. The phone call was made to my executive vice president in his room at the Hilton in Anaheim, by my executive assistant, and he was informed, at that time, that our people were detained. Tom called me immediately in my room.

This was about 5:30, 6 p.m., some place in there. I immediately attempted to reach our general counsel to try to get some advice as to how we could proceed, because we didn't know at the time what the situation was and how long the detention was going to be.

About 45 minutes to 1 hour later, we did receive a call from the wife of one of our members on the trip, telling us that they had now been released and would cross the border. I think that call may have been made at the time they crossed the border and got to a telephone.

Mr. ZELIFF. Who did you officially notify as a result of the information you were given? Did you call the committee to get advice or did you call the Embassy? What did you do?

Mr. KOURPIAS. No, I immediately, in fact, that night, that night, we began working on letters to the President of the United States, to the State Department, Labor Department, and Commerce Department, to the Ambassador, the U.S. Trade Ambassador and to the Ambassador to the United States from Mexico, and those letters were prepared that evening and were mailed the next day to all of those folks.

Mr. ZELIFF. So you never called the Embassy, or you never called any of our government right on the spot, while they were being detained?

Mr. KOURPIAS. No, I did not. As I stated, my first thought was to—I guess everybody's first thought is to get hold of my general counsel and get some advice. I had become quite worried as to what might happen to these 38 people being detained down there.

Mr. ZELIFF. Sure.

You indicated earlier that your earlier trips, and I guess you are referring to the one in May that you had gone down to talk about NAFTA, to talk to workers, to talk to—on a factfinding trip and that was fairly successful. On this trip, you indicated that you did not talk about NAFTA. Or did I misunderstand you?

Mr. KOURPIAS. You misunderstood me. During the trip that I took in May, we did talk about everything—about worker conditions, NAFTA, talked about whether the trade agreement with workers and community leaders was good for us, good for them. But on this trip, I wasn't there. You will have to ask our workers.

Mr. ZELIFF. Mr. Jefferies, did you talk about NAFTA?

Mr. JEFFERIES. I didn't personally talk about NAFTA, but NAFTA was discussed in one of the community meetings.

Mr. ZELIFF. The people you met in Mexico, you talked about it? That was one of the goals of the trip?

Mr. JEFFERIES. Right.

Mr. ZELIFF. And how about the worker on the bus.

Mr. JEFFERIES. We didn't talk about it. We didn't get a chance.

Mr. ZELIFF. He got on the bus and they yanked him off?

Mr. JEFFERIES. He got on the bus and was talking about the plant and they yanked him off.

Mr. ZELIFF. Was that prearranged; the meeting? There was no way of knowing by name whether he was a prescheduled appointment?

Mr. JEFFERIES. No, I don't know his name.

Mr. ZELIFF. He just walked on the bus?

Mr. JEFFERIES. No, he was outside the bus and talking, and the interpreter who was with us asked him if he would like to get on the bus and talk to the rest of us. And, of course, he did. And we all got back on the bus. And he was in the process of explaining who he was and where he had worked and what were the conditions of the plant that he had worked in, and that is when the police arrived.

Mr. ZELIFF. And you weren't asking him any questions; he was just telling you voluntarily?

Mr. JEFFERIES. He had started his presentation to us and was interrupted. He never did finish.

Mr. ZELIFF. So he came on to your group to make a presentation to you all, but you are not sure whether he was one of the two guys that you wanted to meet or not?

Mr. JEFFERIES. I am not sure personally, no.

Mr. ZELIFF. Mr. Winterhalter, what is your recollection?

Mr. WINTERHALTER. We were supposed to meet two workers there and they didn't show. The young man that was on the bus that talked to us was a former worker of the plant that had been discharged, that came there to pick up his last paycheck.

He related his experiences in the plant as far as why he was discharged, because of not being at work on a Saturday because he was going to school to learn computers. And if you miss a day there, that you are docked 2 to 3 days pay. And that is about as far as he got into it and immigration showed up and he was jerked right out of that bus.

Mr. ZELIFF. Speaking about jerked out of here, I think we have a vote coming up, I guess.

On your schedule, Mr. Jefferies, how would you describe the 21st? I mean, the whole day.

First of all, what kind of bus were you on? Was it a Greyhound bus, an American Greyhound bus?

Mr. JEFFERIES. I believe it was a Gold Line bus.

Mr. ZELIFF. Gold Line. And when did you cross the border? How long were you down? And if you can tell me how the whole day went?

Mr. JEFFERIES. Well, we crossed the border approximately around 9 o'clock. And, of course, we proceeded to the areas in which we described, the airplane hangar that was being built first.

And then up into the maquiladora valley, where we saw plants that were producing television sets, Panasonic, Sanyo. And we did observe the Mexican workers; mostly women who were very young in age.

Mr. ZELIFF. How young?

Mr. JEFFERIES. I would assume somewhere between 15 and 25.

Mr. ZELIFF. OK.

Mr. JEFFERIES. Most of them women. Then we left that area and we went down and we saw the toxic waste, where they open the drains, they say, every 3 or 4 days and let the substance come out. And it runs down the hill past where people live, and also past a commercial—what we saw was a little commercial district where they make tortillas, and all this other stuff, and down into the river. And everybody crosses this river to get from one place to the other side because it is only about that deep, I would believe.

And then we went into the community where this lady that was washing clothes, that has been previously described, and she volunteered to answer questions and what not. And we watched and listened to her talk, and listened to her talk about her husband that worked on the highway and made less than $50 a week. And she told us how she got the water, that they came around once a week and he would get a 55-gallon drum of water for 65 cents.

Mr. ZELIFF. So you were looking at kind of how they lived and a little bit on the environment?

Mr. JEFFERIES. I sit on the House Environmental Matters Committee and I was very interested in the environmental conditions there.

Mr. ZELIFF. As we all are, as well.

What time did you go to the plant where the incident occurred?

Mr. JEFFERIES. Well, it was sometime in the afternoon, because at first we had decided that we wanted to eat lunch and then that was decided against. And then because we were supposed to meet these two workers at the plant.

Mr. ZELIFF. What time were you supposed to meet them; 3 o'clock, 4 o'clock?

Mr. JEFFERIES. Somewhere around 2:30 or 3 p.m.

Mr. ZELIFF. And then you were detained and went through that process. When did you get released?

Mr. JEFFERIES. Very late, because it was getting dark, 6, 6:30 p.m., something like that.

Mr. ZELIFF. And apparently you say you didn't pass out any leaflets, you didn't initiate any discussion with the guy that got on the bus, he just volunteered the information. You are not sure whether he was one of the two people that you were supposed to meet?

Mr. JEFFERIES. When I approached them, the interpreter was talking to him. And after that, people started gathering around and then he was asked, would he get to the bus and talk to everybody else, and he did.

Mr. ZELIFF. You didn't have any pamphlets to hand out?

Mr. JEFFERIES. None whatsoever.

Mr. ZELIFF. The pamphlet we got and had transcribed into English, who do you suppose put that out?

Mr. JEFFERIES. I have no idea. I haven't seen any material that was passed out in Mexico and we didn't go there for that purpose.

Mr. ZELIFF. That is probably one of the areas that is at contention.

Mr. JEFFERIES. I would say that was concocted, because we didn't have any literature.

Mr. ZELIFF. That is what I wanted you to say.

Who do you suppose did it?

Mr. JEFFERIES. I don't know. This appears they went to a lot of trouble. And now it appears that they are trying to explain the actions that they can't explain themselves.

Mr. ZELIFF. Anybody; what is the law, when you went across the border you say you got a permit, the bus driver got a permit?

Mr. JEFFERIES. The bus driver got the permit and he stuck it in the window.

Mr. ZELIFF. Is that part of the record; do we have a copy of the permit? Can we get a copy of that just for the record?

No? They take them back? OK.

Is there any restrictions, as you understand it, what you can do or what you can't do, either of you? Were you told anything that goes with that permit?

Mr. JEFFERIES. We thought after we had the permit, the bus had the permit, that everything was OK. And we did not go into any of the plants. And all we did was went in the community people invited us in, and we went in and talked to them. So we did nothing that we felt was a violation of anybody's law. And nobody told us that we had violated a law until these INS people came and said that we were violating the law.

Mr. ZELIFF. And what they said was that you were handing out leaflets, you were——

Mr. JEFFERIES. They never said that, though.

Mr. ZELIFF. Is that what they accused you of?

Mr. PETERSON. Have you ever seen this?

Mr. JEFFERIES. No.

Mr. PETERSON. Have you seen a copy of this?

Mr. JEFFERIES. No.

Mr. PETERSON. This is what the Mexican Embassy people sent us.

Mr. KOURPIAS. The Ambassador sent those copies to me. I have not shown those copies to any of the workers who were on the bus.

Mr. PETERSON. Have you ever seen those before, Mr. Jefferies, or anything like that?

Mr. JEFFERIES. No, I have not.

Mr. PETERSON. I don't know where they came from.

Mr. WINTERHALTER. Could I say something?

Mr. PETERSON. Sure, why not.

Mr. WINTERHALTER. If we were down there to talk to workers about NAFTA and other things, why would we send 38 people who didn't speak Spanish? We are proud of our organizing abilities and we can see farther ahead than that.

Mr. ZELIFF. Was this an organizing trip?

Mr. WINTERHALTER. No, it wasn't.

Mr. ZELIFF. I am trying to get that out on the record. You had other successful trips; what do you suppose went wrong on this one?

Mr. WINTERHALTER. My guess is, and what I heard and I think I heard the lead immigration guy in Tijuana tell us, that they got a call from the manager of that plant.

Mr. ZELIFF. And they got a call—describe the call. I mean, do you know who it was?

Mr. WINTERHALTER. No, just somebody from the plant. Didn't tell us what the context of the call was, just that we were out there. He also said that we were passing out literature and interrupting the flow of the work force in and out of the plant. This is right at the end.

We could tell that they might let us go. We know that this guy is lying. He is not telling the truth. We had no literature of any kind there.

We talked to no workers going in and out of that plant. These places are surrounded by fences and they all have guard shacks there. We are on the opposite side of the street, at the far end of the building there. No one person or group of people from our group approached that plant or any of the workers there.

Mr. ZELIFF. You were across the street; right?

Mr. WINTERHALTER. Yes.

Mr. ZELIFF. And you said earlier it wasn't your intent to talk to any of the workers from that plant; or were there workers that you were scheduled to talk to from that plant?

Mr. WINTERHALTER. It was my understanding that the people we were supposed to talk to were from that plant.

Mr. ZELIFF. What was your purpose of doing that?

Mr. WINTERHALTER. We wanted to know what the conditions were inside the plant, basically, like the worker who used to work there told us. How he worked in the plant and he told us why he was discharged.

Mr. ZELIFF. And I don't know what the Mexican law is, but I mean, is there—did that violate anything relative to the permit? Were you doing——

Mr. WINTERHALTER. I had never been in the country before. I had been to Canada. And you walk in the country and you are treated like everyone else. You might have a little different accent than everyone else. And you certainly would in Mexico. But this is a plant that makes plastic hangers. They aren't making nose cones for rockets there. What secret do they have there other than environmental?

Mr. ZELIFF. Let me say that we have talked to the people at the plant, including the owners, and we, as a committee, have been invited down to tour the plant. I don't think the plant is the issue as much as what happened outside the plant. And I think it is important that we, at least, put on the record that I don't think they have anything to hide.

They certainly wouldn't invite our full committee that is going down the second week of October—and I would like to keep them, if we can——

Mr. PETERSON. Although I will say when I went down there, I tried to go on my own and tried to, you know, not go on a guided tour, and it was very much resisted. And I went to this one plant and they weren't going to let me in, initially. I mean, they are all nervous about us coming down there for whatever reason.

Mr. ZELIFF. I can see that. But I can tell you places in New Hampshire—we campaign, you campaign, and it is a disruption, people don't want you to interrupt their activity.

We have to vote.

What do you want to do? I have more.

Mr. PETERSON. Could you submit and then we could let everybody go on their way? I have the Secretary of Agriculture that is testifying in my other committee.

Mr. ZELIFF. Well, I appreciate your testimony. And we——

Mr. PETERSON. We look forward to corresponding with you.

Mr. ZELIFF. We are looking forward to going down, and we are going to be in the same area, the full committee is going down the second week of October. We want to see for ourselves. Obviously, there is a lot of conflicting things here but there is nothing better than seeing for yourself.

Mr. KOURPIAS. That is right, but I don't think you will be detained.

Mr. JEFFERIES. There is two things, also, this INS person took his hat off and brought it into the bus and said put all of your identification in it, and we refused. And then he made us put our names on the pad and the ages and what not, and where we were from. And as he got off the bus, he took the Stetson off, and he said: See, this is a Stetson, next year it may be made in Mexico.

Mr. PETERSON. Amen.

Thank you very much. We appreciate you all being here.

The subcommittee is adjourned.

[Whereupon, at 11:21 a.m., the subcommittee adjourned, to reconvene subject to the call of the chair.]

APPENDIX

Material Submitted for the Hearing Record

STATEMENT FOR CONGRESSMAN FLOYD H. FLAKE
BEFORE THE COMMITTEE ON GOVERNMENT OPERATIONS
SEPTEMBER 29, 1993

GOOD MORNING MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE ON GOVERNMENT OPERATIONS. MR. CHAIRMAN, AS WE CONSIDER THE NORTH AMERICAN FREE TRADE AGREEMENT, WHICH HAS GENERATED CONTROVERSY AND CONCERN OF MILLIONS OF AMERICANS, WE MUST FACE THE MANY ISSUES THAT THIS AGREEMENT ENCOMPASSES. THE NAFTA AGREEMENT WILL HAVE A FAR REACHING IMPACT ON OUR NATION WELL INTO THE FUTURE. HENCE, IT IS IMPORTANT MR. CHAIRMAN THAT WE CONTINUE IN OUR EFFORTS TO THOROUGHLY EXPLORE THIS ISSUE.

WHILE I AM CONCERNED WITH THE NEGATIVE IMPACT THAT NAFTA MAY HAVE ON THE POLITICAL RAMIFICATIONS WITHIN AMERICA, I AM EQUALLY TROUBLED BY THE POSSIBLE PITFALLS THAT THIS AGREEMENT COULD PRESENT FOR MEXICAN WORKERS.

MOREOVER, WE MUST CAREFULLY CONSIDER THE BROADER IMPLICATIONS OF THIS AGREEMENT ON THE MEXICAN PEOPLE AND ITS WORKFORCE. IT IS IMPORTANT THAT AS WE CONSIDER THE LABOR SIDE AGREEMENTS, WE PREVENT MEXICO FROM BECOMING A LOW WAGE DUMPING GROUND FOR AMERICAN COMPANIES. ADDITIONALLY, IT IS IMPORTANT THAT WE SPEAK OUT AGAINST ABUSES BY AMERICAN COMPANIES AGAINST MEXICAN WORKERS. THEREFORE, WE MUST DO EVERYTHING WITHIN OUR JURISDICTION TO REQUIRE AND ENFORCE LAWS IN ALL THREE OF THE COUNTRIES PRINCIPALLY INVOLVED IN THIS AGREEMENT.

I BELIEVE THAT YOUR HEARINGS ARE HELPING IN PROPERLY EDUCATING OUR COMMITTEE TO MAKE INFORMED DECISIONS REGARDING NAFTA AND ITS IMPLICATIONS. I WELCOME THE WITNESSES AND THEIR TESTIMONY.

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